

## Medical Examinations/Drug Testing

### Pre-Employment Medical Exam

The district may require medical examinations after an employment offer has been made to a job candidate and before the candidate begins his/her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

All offers of employment may be made contingent on medical examination results.

A medical doctor selected by the district will conduct medical examinations. When required, the district will pay medical examination expenses.

The successful candidate must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy one or more employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitute an undue hardship or of personally providing the accommodation.

Information the district receives regarding medical examinations will be collected and maintained on separate forms and in separate files apart from personnel files. Records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other law as may be applicable.

### Pre-Employment Drug Testing

Offers of employment for positions that have safety-sensitive or in loco parentis duties shall be contingent upon successful passage of a district required drug test. A position is considered safety-sensitive if they involve work that may pose a great danger to the public. In loco parentis refers to a position that requires day-to-day responsibility for the care of a child to secure order and to protect students from harm while in their custody.

The district will designate the type of test, and when and where such testing may be conducted. The offer of employment will be withdrawn from candidates who test positive for drugs. The superintendent or designee will establish procedures to implement this policy.

High Desert ESD will test appropriate employees for:

- ✓ Amphetamines: Methamphetamine, MDMA, MDA, MDEA
- ✓ Opiates: Codeine, Morphine, Heroin
- ✓ Cocaine
- ✓ Phencyclidine (PCP)
- ✓ Morphine
- ✓ Phencyclidine
- ✓ Barbiturates
- ✓ Benzodiazepine

If a candidate believes a positive test is in error or has additional information regarding a positive test, the candidate may appeal to the Director of Human Resources. This appeal must be in writing within seven (7) calendar days from the date of the letter notifying the candidate of a positive test. The appeal can shorten the period the District will wait before considering a new application by the prospective candidate. There are no appeals beyond the Director of Human Resources.

### **Maintenance of Records**

Information the district receives regarding medical exams and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential and released only in accordance with provisions of the Americans with Disabilities Act or other law as may be applicable.

### **END OF ADMINISTRATIVE REGULATION**

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#### **Legal Reference(s):**

ORS 332.107  
ORS 657.176

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).  
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).  
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).