

POLICY 416 – DRUG AND ALCOHOL TESTING

I. PURPOSE

The purpose of this policy is to support the commitment of the school district to provide learning and work environments that are alcohol and drug free. Learning and work environments that are alcohol and drug free are safer, healthier and more productive for students and staff.

II. GENERAL STATEMENT OF POLICY

- A. The school district will promote and enforce a chemical-free workplace for all school district employees through implementation of drug and alcohol testing in accordance with the law.
- B. In the event the school district retains the services of employees who are required to have a commercial driver's license, or are employed in safety sensitive positions as those terms are defined in federal laws, the school district will conduct drug and alcohol testing of those employees in accordance with federal legal requirements.
- C. The school district will provide drug and alcohol testing for school district employees who are not required to have a commercial driver's license or who perform safety sensitive duties in accordance with state law.

III. TESTING FOR EMPLOYEES

- A. The school district may request that employees not performing duties requiring a CDL or performing safety sensitive duties submit to alcohol or drug testing in accordance with school district procedures and state law.
- B. An employee may refuse to take a required test, but the refusal will be documented by the employee's supervisor and appropriate disciplinary action will be taken in accordance with state law and any applicable collective bargaining agreement. The employee may also be limited in the job duties assigned to the employee.
- C. The school district will not request or require an employee to undergo alcohol or drug testing on an arbitrary and capricious basis.
 - 1. An employee required to have a commercial driver's license or in a safety-sensitive position may be subject to random testing, post-accident testing, reasonable suspicion testing and return-to-duty, and follow-up testing.
 - 2. An employee not required to have a commercial driver's license or in a safety sensitive position is subject to reasonable suspicion testing and testing when the employee has been referred by the school district for a chemical dependency treatment program or if the employee is participating in a chemical dependency treatment program under an employee benefit plan.
- D. School district employees will be requested or required to test when there is a reasonable suspicion to test. The school district will require or request reasonable suspicion testing if the school district has a reasonable suspicion that the employee:
 - 1. Is under the influence of drugs or alcohol;
 - 2. Has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery or equipment;
 - 3. Has sustained a personal injury or has caused another employee to sustain a personal injury; or
 - 4. Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

- E. The school district may request or require any employee to undergo drug and alcohol testing if the employee has been referred by the school district for a chemical dependency treatment program or if the employee is participating in a chemical dependency treatment program under an employee benefit plan.
- F. Testing will be performed by laboratories licensed, accredited, or certified under the Minnesota Drug and Alcohol Testing in the Workplace law and using established chain-of-custody protocols.
- G. Disciplinary decisions relating to alcohol and drug testing will be made in accordance with state law and/or applicable collective bargaining agreements.
- H. Employees who do not require a commercial driver's license and who do not perform safety sensitive jobs may request confirmatory tests and confirmatory retests in accordance with state law.

IV. EMPLOYEE RIGHTS

- A. The school district will provide the notices to all employees as outlined in the procedures that accompany this policy.
- B. Any employee whose test result is positive has a right to explain the positive test result within three working days after they receive the notice of the result.
- C. All positive test results shall undergo a confirmatory test in accordance with Minnesota Drug and Alcohol Testing in the Workplace law.
- D. Any employee whose confirmatory test result is positive may request, and pay for, an additional confirmatory retest as provided by state law. A confirmatory retest must be requested within five working days after the employee received notice of the test result.
- E. The school district will not discharge, discipline, or discriminate against an employee not required to have a CDL on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test. The school district may temporarily place the employee on administrative leave or transfer the employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the school district determines that it is reasonably necessary to protect the health or safety of the employee, the employee's coworkers, students or the public.
- F. The school district may remove an employee from a safety sensitive position, if the employee refuses to undergo testing.

Policy 416 Revised: 10/20/15

Policy 416 Adopted: 2/2/99

(formerly Policy 4255)

Policy Adopted: 2/6/96

Legal References

49 C.F.R. Part 382

M. S. 181.950-.957 (Drug and Alcohol Testing in the Workplace)

Law Enforcement Labor Services, Inc. v. Sherburne County, et al., 695 N.W.2d 630 (Minn. App. 2005)

Policies 417, 418