



4025

Drug Free Workplace

Policy 4025

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Review Dates:

I. PURPOSE

The purpose of this policy is to establish the commitment of the Minneapolis Public Schools to providing work environments for employees that are alcohol and drug free. The Board of Directors recognizes that a work environment that is free of alcohol or illegal drug use will not only be safer, healthier and more productive, but will support the academic achievement and emotional wellbeing of our students. Therefore, this policy also provides the authority for district to require employees to submit to alcohol or drug testing in accordance with law.

II. GENERAL STATEMENT OF POLICY

- A. The Minneapolis Public Schools Board of Education is committed to alcohol free and drug free workplaces. The Board has established this policy to address alcohol use and abuse and illegal drug use in our workplaces.
- B. The District will act to enforce this policy and to discipline or take appropriate action against any employee, contractor, volunteer or other personnel of the District or member of the public who violates this policy.

II. PROHIBITED ACTIONS

- A. The unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance, or prescription medication is strictly prohibited anywhere on the District's premises, including any vehicles owned or operated by the District, by any person, unless the possession or use of the controlled substance or prescribed medication is according to a prescription from the person's licensed health care provider.
- B. Distribution, dispensation or non-medical use of over the counter medications or preparations is strictly prohibited anywhere on the District's premises by any person. Non-student possession or use of over-the-counter medications and preparations is permitted for the owner of the material so long as the use is in conformance with the manufacturer's printed instructions.
- C. Employees, contractors, volunteers or other district personnel shall not report for duty or assignment under the influence of alcohol or drugs, except those drugs prescribed for them by their licensed health care provider.
- D. Use of drugs and alcohol is also prohibited during the scheduled school or work day, including any unpaid non-duty time that occurs within the school or work day, such



as lunch or other meal times or other breaks, whether or not the employee is on or off district property.

- E. Persons operating vehicles owned or leased by the district or other machinery owned or leased by the district shall not possess, use, or be under the influence of alcohol or any drug not specifically prescribed for them. Use of drugs, including over the counter medications, prescription medications and controlled substances which carry a warning against operating heavy machinery shall prohibit the operation of any district owned or leased machinery by the user regardless of the user's ability to exercise other aspects of their assigned duties.
- F. Possession on District premises, including vehicles owned or operated by or for the District, of paraphernalia associated with controlled substances is prohibited unless the possession is due to a prescription from the person's licensed health care provider.

IV. EXCEPTIONS

- A. It is not a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is for the purpose of curriculum based experiments in science laboratories.
- B. It is not a violation of this policy for employees, contractors, volunteers and other personnel of the District to legally possess or use alcohol while attending an event in their capacity as employee, contractor, volunteer or other personnel of the District
 1. if the activity held at or on premises other than District premises, and
 2. where the location permits the legal use or possession of alcohol and
 3. during which activity they do not have the responsibility for supervision, direction, transportation or control of students, and
 4. where the employee, contractor, volunteer or other personnel of the District will not be returning to work after the consumption of alcohol.

V. DRUG AND ALCOHOL TESTING

- A. The district may request or require that any district employee, contractor or other District personnel other than an employee whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with this policy and law. Drug and alcohol testing of employees whose position requires a commercial driver's license is addressed in Policy 4026. Testing shall be by a testing laboratory that meets statutory requirements.
- B. Random alcohol or drug testing shall not be required of any employee, contractor or other District personnel who is not employed in a safety-sensitive position.
- C. Testing for alcohol or drugs may be done if the district has a reasonable suspicion that the employee:



1. is under the influence of drugs or alcohol;
 2. has violated the district policy or work rules prohibiting the use, possession, sale, manufacture, dispensation or distribution of drugs or alcohol while the employee is working or while the employee is on district premises;
 3. has sustained a personal injury in the course of their employment or for which a claim of worker's compensation or other claim against the district might be made;
 4. has caused another employee to sustain a personal injury in the course of the other employee's employment or for which a claim against the district might be made;
 5. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
- D. Testing may be required as part of the employee's participation in any chemical dependency treatment under an employee benefit plan, or to which the employee has been referred by the district.
- E. If the employee's position requires a routine physical examination, alcohol or drug testing may be part of the examination if
1. the routine exam is required or requested no more than once annually;
 2. the employee is given two (2) weeks' advance written notice that an alcohol or drug test may be administered as part of the examination.
- F. The District has no legal duty to request or require any employee, contractor, or other District personnel to undergo alcohol or drug testing, if the employee, contractor, or other District personnel is not required to have a commercial driver's license by the terms of their position.

VI. RESPONSIBILITY

- A. It is the responsibility of every employee, contractor, volunteer, other personnel of the District and members of the public to comply with this policy.
- B. Each employee, contractor, volunteer and other personnel of the District shall be provided with written notice of this Drug Free Workplace policy and shall be required to acknowledge that she or he has received the policy. Failure to acknowledge receipt of the policy may subject the employee, contractor or other District personnel to disciplinary action, up to and including suspension without pay or termination.
- C. Any employee or contractor who is engaged either directly or indirectly in performance of a federal grant shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places above on which work on a school district federal grant is performed no later



than five (5) calendar days after such conviction. This notice is a condition of their continued employment in that federal grant.

- D. Any employee who is charged with a violation of any criminal drug statute shall notify their supervisor of such a charge within five (5) calendar days after being charged.
- E. Any employee or contractor who is convicted of any criminal drug statute shall notify their supervisor in writing of such a charge within five (5) calendar days after being convicted.
- F. Each work site shall display a notice that the district has adopted a policy regarding drug and alcohol testing of employees, contractors, or other District personnel.
- G. Employees, contractors and other district personnel whose positions do not require a commercial driver's license may refuse to comply with a request or requirement for alcohol or drug testing, however such a refusal may result in disciplinary action up to and including immediate termination of employment.
- H. The District shall give a person who has undergone alcohol or drug testing at the request or requirement of the district under this policy notice of the test results within three (3) working days after receipt of the test result report from the testing laboratory.
- I. The District shall give a person who has undergone alcohol or drug testing at the request or requirement of the district under this policy and whose test has had a positive test result for alcohol or drugs written notice of the person's right to explain the positive results and to submit additional information allowed by law, and to request a confirmatory retest:
 - 1. the district may request the person to indicate any over-the-counter or prescription medication that the person is currently or has recently taken; and
 - 2. the district may request the person to indicate any other information relevant to the reliability of, or an explanation for, a positive result.
 - 3. the person shall have three (3) working days from the date of the notice to submit information that purports to explain a positive result or to request a confirmatory retest.
 - 4. Retests requested by the person shall be of the original sample and shall be at the person's own expense.
- J. If a confirmatory retest does not confirm the original positive results of a test, no adverse personnel action based upon the original test may be taken against the employee.



VII. DISTRICT ACTION

- A. Violation of this policy shall result in discipline of the offending employee, contractor or other District personnel in keeping with the terms of this policy and collective bargaining agreements and contracts up to and including discharge, termination and cancellation of contract for services.
- B. Violation of this policy by a volunteer shall result in a termination of the certification of the volunteer to be assigned to a classroom or other school activities for a reasonable period of time, based on the circumstances of the occasion, including the frequency and severity of violation(s).
- C. For employees, contractors or other District personnel who have been required or requested to undergo alcohol or drug testing, the district shall take no disciplinary action unless:
 - 1. the testing includes a confirmatory positive result, or
 - 2. the employee has refused to comply with a request or requirement to be tested
- D. The District may temporarily suspend with or without pay or transfer an employee, contractor, or other District personnel to another position at the same rate of pay pending the outcome of alcohol or drug testing, provided that the District believes that it is reasonably necessary to protect the health or safety of the person, students, co-employees, or the public.
- E. Employees or other District personnel who have been suspended without pay must be reinstated with back pay if the outcome of alcohol or drug confirmatory testing or retesting is negative.
- F. Contractors whose services have been suspended shall have an adjustment in their contract appropriate for the circumstances.
- G. An employee who violates the terms of this policy may be required by the District to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the District. Any employee who fails to satisfactorily participate in and complete such a required program is subject to nonrenewal, suspension or termination as deemed appropriate by the school board.
- H. A member of the public who violates the policy shall be informed of the policy and asked to leave the district premises. Failure to leave may lead to being reported to the school resource officer or local law enforcement agencies, and escort off the premises by law enforcement officers, or arrest. Failure to comply with this policy by a member of the public may result in the person's prohibition from the premises.
- I. Information regarding alcohol and drug testing results, requests or requirements are private data on individuals and may not be disclosed by the district to another



employer, a third-party individual, governmental agency, or private organization without the written consent of the individual requested to be tested or tested.

However, evidence of a positive confirmatory test may be:

1. used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing, or a judicial proceeding so long as the information is relevant to the proceeding;
2. disclosed to any federal agency or other unit of the United States government as required by federal law, regulation or order, or in accordance with a federal government contract; and
3. disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the person tested.

Legal References:

20 U.S.C. §§ 7101 – 7165 (Safe and Drug-Free Schools and Communities Act)

21 U.S.C. § 812 (Schedules of Controlled Substances)

41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)

21 C.F.R. §§ 1308.11 – 1308.15 (Controlled Substances)

34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 121A.05 (Referral to Police)

Minn. Stat. §§ 181.950 -181.957 (Drug and Alcohol Testing in the Workplace)

Minn. Stat. § 609.605 (Trespass)

Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)

Cross References:

MPS Policy 1040 (Student and Staff Data Protection)

MPS Policy 5631 (Drug-free Schools,)

MPS Policy 5680 (Search of Students/ Lockers/ Desks/ Motor Vehicles)

MPS Policy 6680 (Safety, Security and Emergency Management)