



4026

Transportation Employee Drug and Alcohol Testing

Policy 4026

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I. PURPOSE

The District recognizes that safety problems are created when employees use or abuse illegal drugs and/or alcohol. The District wishes to provide a safe, drug and alcohol-free workplace and learning environment for its employees and students. This policy establishes how the District will comply with federal law that requires that employees, whose positions require a commercial driver's license, undergo drug and alcohol testing.

II. GENERAL STATEMENT OF POLICY

A. *Prohibited behavior of Transportation Employees* Due to the specific nature of their tasks, employees who are required to have a commercial vehicle driver's license are limited by law from certain activities, including, but not limited to:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
2. The possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;
3. Using alcohol while performing safety-sensitive functions;
4. Performing safety-sensitive functions within four hours after using alcohol;
5. When required to take a post-accident test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
6. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
7. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV;
8. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.

B. Persons tested for alcohol and drugs under this policy shall be tested for the following:

1. alcohol,
2. marijuana,
3. cocaine,
4. amphetamines,
5. opiates (including heroin) and
6. phencyclidine (PCP).



- C. All applicants, including persons currently employed by the District that apply for a position where job duties include operating commercial motor vehicles will be required to take a drug and alcohol test if a job offer is made. The job offer is contingent upon
1. a negative drug and alcohol test report and,
 2. the applicant's written agreement authorizing former School Districts to release to the District all information on the applicant's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years.
- D. A drug test shall be required if the District has a reasonable suspicion that an employee has violated the provisions of the District policy regarding alcohol or controlled substances.
- E. A drug test shall be required if an employee operating a commercial motor vehicle (CMV) is involved in an accident that results in:
1. The death or injury of a person or persons regardless of the amount of vehicle or property damage; or
 2. The employee receives a citation for a moving traffic violation arising from the accident; or
 3. Property damage greater than \$100.00
- F. A drug test shall be required if an employee has been found to have violated District policy on drug or alcohol use prior to the employee's return to work. The employee shall not return to work unless return-to-duty tests indicate
1. an alcohol concentration of less than 0.02 and
 2. a verified negative result for controlled substances.
- G. Following a determination by a substance abuse professional (SAP) that an employee is in need of assistance in resolving problems with alcohol abuse and/or controlled substances use, an employee shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the SAP. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.
- H. The District will randomly select employees subject to this policy for unannounced alcohol and controlled substances testing using a computer-based random number generator that is matched with an employee's identifying number.
1. Testing shall be performed just before, during or after an employee's performance of safety-sensitive duties.
 2. FHWA rules require the District to conduct random controlled substances testing on fifty percent (50%)of the average number of employees and random alcohol testing on ten percent (10%) of the average number of employees.
 3. Employees may be selected for more than one test per year.



4. Tests shall be spread reasonably throughout the year.

III. CONFIDENTIALITY OF TEST RESULTS

- A. All alcohol and/ or controlled substances test results and required records are considered confidential information.
- B. Any information concerning an individual's test results and records shall not be released without the written permission of the individual except as provided for by regulation or law.

IV. REFUSAL TO UNDERGO TESTING AND CONSEQUENCES FOR REFUSAL

- A. All applicants and employees have the right to refuse to undergo drug and alcohol testing.
- B. If an individual refuses to undergo drug and alcohol testing required by this policy, no such test shall be given.
- C. An applicant who refuses to take a drug and alcohol test shall be disqualified from further consideration for the conditionally offered position.
- D. An employee refusing to take a drug and alcohol test required by this policy shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and may be subject to disciplinary action including possible dismissal.

V. RESPONSIBILITY

- A. The Superintendent is authorized to promulgate regulations for the implementation of this policy.
- B. The Superintendent shall designate a Contact Person to administer this policy.

Legal Resources:

Minn. Stat. §§ 181.950 – 181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. § 521 (b) (Civil and Criminal Penalties for Violations)
49 CFR Parts 40 and 382 (Department of Transportation Rules Implementing the
Omnibus Transportation Employee Testing Act of 1991)

Cross References:

MPS Policy 1040 (Student and Staff Data Protection)
MPS Policy 4024 (Pre-employment Drug and Alcohol Testing)
MPS Policy 4025 (Drug-Free and Weapons-Free Schools and Workplace)



MPS Regulation 4026 A (Procedures for Testing)
MPS Regulation 4026 B (Definitions)