



## 4025 B

# Alcohol and Drug Testing: Employees

**Regulation 4025 B**

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Revision Dates:

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### **I. PURPOSE**

Maintaining a drug and alcohol free workplace contributes to the ability of the district to meet goals set by the Board of Directors and the Superintendent. Reasonable response to disruption of the business of the district due to suspected alcohol or drug use, possession or other prohibited activities is necessary to assure that district goals are met. The purpose of this regulation is to establish rules for the implementation of the alcohol and drug testing permitted by district policy for employees who are not required to have a commercial driver's license.

### **II. GENERAL STATEMENT OF REGULATION**

- A. Any employee, contractor, volunteer or other District personnel who performs safety-sensitive duties as part of his or her position has an affirmative responsibility to report any medical condition, or prescribed medication, drug or over the counter medication used to treat the condition that impair the ability of the employee to perform the safety-sensitive duties to his or her supervisor.
  - 1. The supervisor of the employee may require that a licensed health care provider's statement confirming the medical condition, or the prescription that affects the ability of the employee to perform safety-sensitive duties.
  - 2. Alternative duties may be assigned the employee if conditions permit.
- B. Any employee, contractor, volunteer or other District personnel may disclose any medical condition, or prescribed medication, drug or over the counter medication used to treat the medical condition that might affect the employee's ability to perform their assigned duties, or that may present as being under the influence of alcohol or drugs to their supervisor.
  - 1. The supervisor of the employee may require that a licensed health care provider's statement confirming the medical condition, or the prescription that affects the ability of the employee to perform safety-sensitive duties.
  - 2. Alternative duties may be assigned the employee if conditions permit.
- C. Information reported by an employee, contractor, volunteer or other district personnel under ¶ II. A. or B. is private information and shall not be shared with a third party without the person's written permission.

### **III. TESTING PROCEDURES**

- A. Any supervisor may request that an employee, contractor, volunteer or other District personnel under her or his supervision undergo drug or alcohol testing if the threshold created by district policy has been met.
- B. The Human Resources Department shall establish the procedure for obtaining alcohol or drug testing. The procedure shall include:



1. a written notice shall be given to any person requested or required to undergo alcohol or drug testing prior to the test that requires the person to acknowledge that they have received the district's drug free and drug and alcohol testing policy.
  2. All testing shall be by an independent testing laboratory that meets state standards.
  3. All required notices regarding employee rights and testing results shall be the responsibility of the Human Relations department or through the testing laboratory under contract with the district.
- C. An employee, contractor, volunteer or other district personnel shall be given access to information kept in the employee, contract or volunteer personnel file relating to test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information regarding the person.
- D. If the district is involved in collecting samples for testing, the district shall establish a reliable chain-of-custody procedure to ensure property record keeping, handling, labeling and identification of samples to be tested. Procedures shall require:
1. Possession of a sample must be traceable to the person from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory.
  2. The sample must always be in the possession of, be in view of or must be placed in a secure area by a person authorized to handle the sample.
  3. A sample must be accompanied by a written chain-of-custody record; and
  4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

#### IV. DEFINITIONS

- A. "confirmatory test" or "confirmatory retest" mean a drug or alcohol test that uses a method of analysis allowed under Minnesota Statutes § 181.953.
- B. "drug and alcohol testing", "drug or alcohol testing" and "drug or alcohol test" means analysis of a body component sample according to one of the programs permitted by Minnesota law for the purpose of measuring the presence or absence of drugs, alcohol or their metabolites in the sample tested.
- C. "initial screening test" means a drug or alcohol test which uses a method of analysis under one of the programs listed in Minnesota Statutes §181.953.



- D. “positive test result” means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minnesota Statutes §181.953.

***Legal References:***

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

***Cross References:***

MPS Policy 1040 (Student and Staff Data Protection)  
MPS Policy 4025 (Drug Free Workplace)  
MPS Policy 4026 (Transportation Employee Drug and Alcohol Testing)  
MPS Policy 4027 (Suspension of Employee Charged with a Criminal Violation)  
MPS Policy 4028 (Background Checks)  
MPS Policy 4040 (Hiring of Independent Contractors)  
MPS Policy 5631 (Drug Free Schools)