

ATTACHMENTS TO DRUG AND ALCOHOL TESTING POLICY

Attachments A through C are to be used in conjunction with the drug and alcohol testing of bus drivers and driver applicants.

- Attachment A is a “Driver Acknowledgment–Drug and Alcohol Testing Policy Materials” form which should be used to document receipt of the policy and other materials by drivers and driver applicants. It is referred to in Article III., Section C., Paragraph 4. of the policy.
- Attachment B is a “Bus Driver or Driver Applicant–Authorization to Release Information” form. It is referred to in Article III., Section H., Paragraph 1. of the policy.
- Attachment C is a “Bus Driver or Driver Applicant–Refusal to Submit to Testing” form. It is referred to in Article III., Section H., Paragraph 7. of the policy.

Attachments D through G are to be used in conjunction with drug and alcohol testing of non-bus drivers and applicants.

- Attachment D is a “Pretest Notice” that must be provided to non-school bus driver employees or job applicants before requesting that the employee or job applicant undergo drug or alcohol testing. It is referred to in Article IV., Section E., Paragraph 1. of the policy.
- Attachment E is a “Notice of Test Results and Various Rights” which should be used by the District when notifying non-school bus driver employees or job applicants of test results and other rights. It is referred to in Article IV., Section E., Paragraph 6. of the policy.
- Attachment F is an “Explanation of Positive Test Result” form which should be used by the school district to request that the employee or job applicant submit information to the school district relevant to the reliability of, or explanation for, a positive test result. It is referred to in Article IV., Section E., Paragraph 4. of the policy.
- Finally, the District may wish to use Attachment G, entitled “Acknowledgment–Drug and Alcohol Testing Policy,” to document that written notice of the policy was given to all affected employees. It is referred to in Article IV., Section J. of the policy.

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— DRIVER ACKNOWLEDGMENT —
DRUG AND ALCOHOL TESTING POLICY AND MATERIALS

I have received a copy of the Drug and Alcohol Testing Policy of Independent School District No. _____, _____, Minnesota and have read it in its entirety. I understand that I am subject to the provisions of Article III of the policy, entitled Drug and Alcohol Testing for Bus Drivers, because the position involves operating a commercial motor vehicle and requires a commercial driver's license.

The District's policy was provided to me:

- Upon adoption of the policy. (employee).
- Upon my hire. (job applicant/new employee).
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug and alcohol testing. (job applicant).

I also received materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected.

I have been advised that the Alcohol and Controlled Substances Testing Program Manager is _____ and that any questions I may have concerning the Policy should be directed to the Program Manager.

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— BUS DRIVER OR DRIVER APPLICANT —

AUTHORIZATION TO RELEASE INFORMATION

Section I. To be completed by the school district, signed by the bus driver, or driver applicant, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

- 1. Alcohol tests with a result of 0.04 or higher;
- 2. Verified positive drug tests;
- 3. Refusals to be tested;
- 4. Other violations of DOT agency drug and alcohol testing regulations;
- 5. Information obtained from previous employers of a drug and alcohol rule violation;
- 6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

Section I-A.

School District Name: _____

Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

Section I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

Section II-A. In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

- | | | | | |
|---|-----|-----|-----|-----|
| 1. Did the employee have alcohol tests with a result of 0.04 or higher? | YES | ___ | NO | ___ |
| 2. Did the employee have verified positive drug tests? | YES | ___ | NO | ___ |
| 3. Did the employee refuse to be tested? | YES | ___ | NO | ___ |
| 4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? | YES | ___ | NO | ___ |
| 5. Did a previous employer report a drug and alcohol rule violation to you? | YES | ___ | NO | ___ |
| 6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? | N/A | ___ | YES | ___ |
| | | | NO | ___ |

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

Section II-B.

Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]**— BUS DRIVER OR DRIVER APPLICANT —
REFUSAL TO SUBMIT TO TESTING**

I hereby refuse to submit to drug/alcohol testing by doing the following:

- Failing to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so;
- Failing to remain at the testing site until the testing process is complete;
- Failing to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test;
- Failing to permit the observation or monitoring of any provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- Failing to provide a sufficient breath specimen or sufficient amount of urine when directed and it has been determined that there was no adequate medical explanation for the failure;
- Failing or declining to take a second test as directed;
- Failing to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) or the Designated Employer Representative (DER);
- Failing to cooperate with any part of the testing process (e.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process, failing to wash hands after being directed to do so by the collector, failing to sign the certification on the form;
- Failing to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process;
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- Admitting to the collector or MRO that the driver adulterated or substituted the specimen; or
- Having a verified adulterated or substituted test as reported by the MRO.

[An applicant who fails to appear for a preemployment test, who leaves the testing site before the preemployment testing process commences, or who does not provide a urine specimen because he or she left before it commences, is not deemed to have refused to submit to testing.]

I recognize that my refusal subjects me to the consequences specified in federal law and regulations. It also constitutes a presumption of a positive result. I further recognize that if I am an applicant, I will be disqualified from consideration for the conditionally-offered position. If I am an employee, I will not be permitted to perform safety-sensitive functions, and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If the school district offers me an opportunity to return to a DOT safety-sensitive function, I understand I will be evaluated by a substance abuse professional, and will be required to submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.

Date: _____

Time: _____

Signature of Employee/Applicant

Supervisor: _____

Supervisor's Signature

Comments: _____

Employee refusal to sign

Supervisor's Initials: _____

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— PRETEST NOTICE —

I the undersigned employee/job applicant of Independent School District No. _____, _____, Minnesota (“School District”) do hereby acknowledge that I have been provided a copy of the School District’s Drug and Alcohol Testing Policy.

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

[Employee Name]
[Employee Address]

RE: Drug and/or Alcohol Test
[Date of Testing]

NOTICE OF TEST RESULTS AND VARIOUS RIGHTS

Test Results:

Independent School District No. ____, _____, Minnesota has received the test result report from the testing laboratory:

- Your initial screening test result was negative.
- Your confirmatory test result was negative.
- Your confirmatory test result was positive.

Test Result Report:

You have the right to request and receive from the school district a copy of the test result on any drug or alcohol test.

Right to Explain Positive Test Result:

In the case of a positive test result on a confirmatory test, you have the right to explain the results. You may, within three (3) working days after notice of a positive test result on a confirmatory test, submit information to the school district, in addition to any information already submitted, to explain that result. Attached to this Notice is a document entitled "Explanation of Positive Test Result" for this purpose.

Right to Request Confirmatory Retests:

In the case of a positive test result on a confirmatory test, you have the right to request a confirmatory retest of the original sample at your own expense.

Within five (5) working days after notice of the confirmatory test result, you must notify the school district in writing of your intention to obtain a confirmatory retest.

Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that you have requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against you.

Other Rights:

In the case of a positive test result on a confirmatory test, you may have other rights provided under the sections detailed below.

A. Employee Discharge and Discipline

1. The school district may not discharge, discipline, discriminate against, request or require rehabilitation of an employee whose position does not require a commercial driver's license on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.

2. The school district may not discharge an employee whose position does not require a commercial driver's license for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and

- b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
3. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that 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 believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.
4. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon, or after hire.
5. An employee must be given access to information in the employee's personnel file relating to positive 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.

B. Withdrawal of Applicant's Job Offer

If a job applicant for a position that does not require a commercial driver's license has received a job offer made contingent on the applicant passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

EXPLANATION OF POSITIVE TEST RESULT

I the undersigned employee/job applicant of Independent School District No. _____, _____, Minnesota acknowledge receipt of a Notice of Test Results and Various Rights. This includes my right to explain the positive test result on a confirmatory test.

I am currently taking or have recently taken:

- no over-the-counter or prescription medications; or
- the following over-the-counter or prescription medications:

I also offer the following information relevant to the reliability of, or explanation for, a positive test result:

Date: _____

Signature of Employee/Job Applicant

Typed or Printed Name

(D R A F T)

[TO BE PLACED ON SCHOOL DISTRICT LETTERHEAD]

— ACKNOWLEDGMENT —
DRUG AND ALCOHOL TESTING POLICY

I have received a copy of the Drug and Alcohol Testing Policy of Independent School District No. _____, _____, Minnesota and have read it in its entirety.

The District's policy was provided to me:

- Upon adoption of the policy. (employee).
- Upon my hire. (job applicant/new employee).
- After receipt of my conditional job offer, before any testing if my job offer is contingent upon my passing of drug and alcohol testing. (job applicant).

Dated: _____

Signature of Employee/Applicant

Typed or Printed Name

For District 279 Administrative Use Only

School Board Policy #416 – Drug and Alcohol Testing

- Reasonable Suspicion Action Guide for Leaders -

You receive a report or have concerns that a staff member is under the influence of drugs or alcohol.

TAKE INFORMATION: Gather as much information as possible using mindful inquiry

- > Type of behavior/what else was observed
- > Where it occurred
- > When it occurred (date, time)
- > Who else was present

EVALUATE CONTEXT: Assess information and prepare for direct observation

- Thank reporter and advise him/her to: (1) Keep confidential; (2) Report future concerns immediately; (3) You will look into the situation. *Note: If the report is anonymous, continue evaluating*
- Consider whether there is a known or potential medical condition that might be impacting the behavior.
- Consider whether or not there are any mitigating circumstances you are aware of that might be contributing to the employee's demeanor (e.g. significant event in family life, stress...)
- Before conducting observation: (1) contact an HR Administrator or, if one is not available, contact District General Counsel; (2) let 2nd in command at your site know to prepare for coverage if needed; (3) begin to complete Reasonable Suspicion Supervisor Observation (RSSO) form (see reverse); (4) obtain employee's work schedule.

SEE FOR YOURSELF: Conduct initial observation of the employee

- Observe and record your observations on the RSSO form (see reverse.)
- Get close to the employee and assess appearance, symptom, and behaviors.
- Engage the employee in conversation; ask open-ended questions and listen to response. Assess how well the employee can articulate and track information.
- Determine whether or not you have reasonable suspicion that the employee may be under the influence.
- Keep the matter confidential at all times; only discuss with administrators who have a need to know.

Do you have reasonable suspicion that the employee may be under the influence of drugs or alcohol?

YES

TAKE ACTION

- Stop employee from performing duties; secure classroom/duty coverage if necessary.
- Escort employee to safe and private location. Do not allow employee to retrieve personal items at this time (assure them you will make sure they get what they need). Direct employee to remain in that safe, private location and tell them the consequence(s) for not abiding by the directive.
- Contact and update the HR Administrator who received the original report.
- Wait with the employee until representatives from HR arrive. While waiting, continue to observe employee and complete RSSO form.
- When HR arrives they will assess and determine next steps.
- If employee exits the building and gets in his/her motor vehicle, call 911 (through a school resource officer).
- Turn all documentation into the HR Administrator.

NO

TAKE ACTION

- Return employee to work space, if previously removed, as promptly and discreetly as possible.
- Call and update HR Admin.
- Complete RSSO form and send to HR in confidential envelope or email. Include any supplemental notes and all information gathered.
- Monitor as needed.

For District 279 Administrative Use Only
REASONABLE SUSPICION SUPERVISOR OBSERVATION FORM

Employee Name: _____
 Employee Job Title: _____ Building/Site: _____
 Date of Observation: _____ Time: _____ am /pm

Reasonable Suspicion should not be based solely on a guess or anonymous complaint. The suspicion should be based on specific first person observations concerning the employee's current physical appearance, behavior, speech, and odor - indicators that are usually associated with drug and/or alcohol use. It is not the job of the supervisor to diagnose the cause of a problem. The supervisor's responsibility is to observe and notify HR. Personal observation of an employee's conduct, appearance, behavior, speech, or odor may include one or more of the following (Check all that apply):

Appearance	Behavior	Other Indicators of Which You Are Aware
<input type="checkbox"/> Watery/blurry/red eyes <input type="checkbox"/> Circles under eyes <input type="checkbox"/> Pupils larger or smaller than normal <input type="checkbox"/> Puffy face, blushing or paleness <input type="checkbox"/> Obvious sweating or chills <input type="checkbox"/> Inappropriate/sloppy work attire <input type="checkbox"/> Hand, feet or head tremors <input type="checkbox"/> Grinding of jaw	<input type="checkbox"/> Extreme display of high energy/mania <input type="checkbox"/> Extreme display of low energy/fatigue <input type="checkbox"/> Extreme mood swings <input type="checkbox"/> Inappropriate gestures <input type="checkbox"/> Aggressive behavior <input type="checkbox"/> Defensive behavior <input type="checkbox"/> Agitation/nervousness <input type="checkbox"/> Hypersensitivity/overreaction <input type="checkbox"/> Uncooperative or negative attitude <input type="checkbox"/> Direct observation of on-the-job consumption or possession <input type="checkbox"/> Hallucinating or paranoia	<input type="checkbox"/> Reduced productivity/ Inconsistent daily work <input type="checkbox"/> Frequent tardiness <input type="checkbox"/> Frequent disappearances during the workday <input type="checkbox"/> Unpredictable absenteeism <input type="checkbox"/> Takes frequent unplanned extended weekends <input type="checkbox"/> Deterioration in relationships <input type="checkbox"/> Change in peer group <input type="checkbox"/> Isolation <input type="checkbox"/> Taking unnecessary risks <input type="checkbox"/> Lack of accountability/blaming others <input type="checkbox"/> Concerns expressed by co-workers about the person's physical health or behavior at social events. Complaints of family problems, personal problems, legal problems. <input type="checkbox"/> Changes in excuse patterns. Excuses become more elaborate and sometimes bizarre.
Awareness	Motor Skills	
<input type="checkbox"/> Disorientation <input type="checkbox"/> Shortened attention span <input type="checkbox"/> Memory loss/confusion <input type="checkbox"/> Inappropriate laughter <th style="text-align: center;">Body or Breath Odor</th> <td> <input type="checkbox"/> Decreased motor functions/reaction time <input type="checkbox"/> Unsteady posture or gait <input type="checkbox"/> Slurred speech </td>	Body or Breath Odor	
<input type="checkbox"/> Alcohol <input type="checkbox"/> Marijuana <input type="checkbox"/> Other offensive odor _____		

Other Observations: _____

Signature: The observations, as documented above, were made by me of the employee identified above.

 Supervisor's Name (printed or typed)

 Supervisor's Signature

 Today's Date

Witnesses: Provide the name of the reporter (if applicable) and any others who might serve as witnesses.

Name: _____ Name: _____ Name: _____

HR USE ONLY
Test Determination

- | | |
|--|--|
| <input type="checkbox"/> Reasonable Suspicion Alcohol/Drug Test Required | <input type="checkbox"/> Employee Refused Test |
| <input type="checkbox"/> No Test Required | <input type="checkbox"/> Employee Transported for Medical Care |
| <input type="checkbox"/> Other (explain) | |

Employee transported to collection site by: _____

Time transported: _____ am / pm Collection site: _____