INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating, developing, and inspiring our students for lifelong success.

Series Number **406.3.5.2P** Adopted **February 2015** Revised **January 2024**

Title **Notice of Test Result and Various Rights for Employees Not Performing Duties Requiring a Commercial Driver's License (CDL)**

1. **Test result:**
   Independent School District 196 has received the test result report from the testing laboratory or Medical Review Officer:
   ___ Your initial screening test was negative.
   ___ Your initial screening test result was positive.
   ___ Your confirmatory test result was negative.
   ___ Your confirmatory test result was positive.

2. **Right to a copy of test result:**
   You have the right to request and receive from the district a copy of the test result on any drug, cannabis or alcohol test.

3. **Right to explain a positive test result:**
   In the case of a positive test result, you have the right to explain the results. You may, within three working days after notice of a positive test result on a confirmatory test, submit information to the school district or its agent, in addition to any information already submitted, to explain that result. This may include any over-the-counter or prescription medication you are taking, or any other relevant information. ***

   *** Note: If you tested positive on a confirmatory test, you may have already been contacted by the Medical Review Officer and given the opportunity to provide the aforementioned explanatory information. Nevertheless, Minnesota law still requires the district provide you with notice of these rights.

4. **Right to confirmatory retests:**
   4.1 Within five working days after notice of a positive confirmatory test result, you must notify the district in writing if you intend to obtain a confirmatory retest at your expense.

   4.2 Within three working days after receipt of your request for a confirmatory retest, the district shall notify the original testing laboratory that you have requested the lab to conduct the confirmatory retest or transfer the sample to another approved lab to conduct the confirmatory retest using proper chain-of-custody procedures. The same drug, cannabis and alcohol threshold detection levels that were used during the first confirmatory test will be used for the confirmatory retest.

   4.3 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.

5. **Limitations on discharge, discipline or discrimination of employees:**
   5.1 Disciplinary decisions relating to drug, cannabis and alcohol testing will be made in accordance with state law and/or applicable collective bargaining agreements. The district may

not discharge, discipline, discriminate against, or request or require rehabilitation of you on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test. The district may, however, temporarily place you on paid administrative leave or transfer you to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the district believes that it is reasonably necessary to protect the health or safety of you, your coworkers, students or the public. You must be reinstated if the outcome of the confirmatory test or requested confirmatory retest is negative.

5.2 The district may not discharge you if a positive test result on a confirmatory test was the first such result for you on a drug, cannabis and/or alcohol test requested by the district unless the following conditions have been met:

5.2.1 The district has first given you an opportunity to participate in, at your expense or under an employee benefit plan, either a drug, cannabis or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the district after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, and

5.2.2 You have either refused to participate in the counseling or rehabilitation program or you have 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.

5.3 The district may impose lesser discipline than discharge for your first positive test result on a confirmatory test and may propose discharge for a positive test result on a subsequent confirmatory test.

5.4 The district may not discharge, discriminate against, or request or require your rehabilitation on the basis of medical history information revealed to the district pursuant to section 8.3 and 8.4 of Administrative Regulation 406.3.5AR, Alcohol, Cannabis and Drug Testing of Employees Not Performing Duties Requiring a Commercial Driver's License (CDL), unless you were under an affirmative duty to provide the information before, upon, or after hire.

5.5 You must be given access to information in your personnel file relating to positive test result reports and other information acquired in the drug, cannabis and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.