

**D.O.T. (DEPARTMENT OF TRANSPORTATION)  
DRUG AND ALCOHOL TESTING POLICY**

**Purpose:**

Anoka-Hennepin School District #11 realizes the importance of providing a safe and healthy work place and minimizing the risks to our drivers and the motoring public. Therefore, it is the policy of the School District to provide and maintain a safe, healthy and productive work environment for its drivers and to assure safe transportation for the motoring public.

**Statement of Policy:**

Federal law (Omnibus Transportation Employee Testing Act of 1991) requires the School District to maintain drug and alcohol testing polices for employees subject to United States Department of Transportation (DOT) regulations (Federal Motor Carrier Safety Regulations 49 CFR, Part 382, Subparts A through F). Accordingly, all applicants and current employees covered by federal and/or state DOT requirements for drug and alcohol testing, including all truck drivers and driver applicants, will undergo such drug and alcohol testing as described in this policy and pursuant to applicable law.

For the purposes of this policy, "driver" means:

Any person who operates a commercial motor vehicle as defined by federal regulations, including but not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; or anyone who operates a commercial motor vehicle at the direction of or with the consent of the School District; and anyone applying to drive a commercial motor vehicle.

For the purposes of this policy, "commercial motor vehicle" includes a motor vehicle with a gross weight vehicle rating (GWVR) of 26,001 pounds or more; or motor vehicles designed to transport 16 or more passengers including the driver.

Such covered employees must also adhere to the summary of policies set forth below, as well as all applicable state and federal laws. Questions regarding this policy should be directed to Director of Transportation and/or Human Resources Manager.

**I. POLICY**

- A. Covered employees are prohibited from using alcohol within four (4) hours of reporting for duty or at any time while on duty.
- B. All employees are prohibited from having drugs and alcohol in their possession in a company vehicle or on company premises at any time whether on or off duty.
- C. No covered employee shall report for duty or remain on duty when he/she uses or is under the influence of drugs or alcohol, except when the use is pursuant to the instructions of a physician who has advised the covered employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or to perform safety-sensitive functions.
- D. All covered employees must advise his or her immediate supervisor of any and all therapeutic drug use.

- E. Covered employees must not use, possess, or be under the influence of any of the following substances while on duty:
  - 1. any drug listed in Schedule 1 of Controlled Substances of the Drug Enforcement Agency, including but not limited to, opiates, opium derivatives, hallucinogenic substances, depressants or stimulants;
  - 2. amphetamines, narcotics, or any other substance to a degree which jeopardizes or impairs the employee's ability to safely operate a motor vehicle and perform his or her duties; or
  - 3. alcohol.
- A. No covered employee may possess or use a drug which has been prescribed by a physician or health care provider for another individual.
- B. No covered employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.
- C. No covered employee required to take a post-accident drug and alcohol test shall use drugs or alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident drug and alcohol test, whichever occurs first.
- D. Pursuant to federal law, no covered employee shall refuse to submit to, nor obstruct, a post-accident drug and alcohol test, a random drug and alcohol test, a reasonable suspicion drug and alcohol test, or a follow-up drug and alcohol test. Federal law prohibits the School District from permitting an employee who refuses such tests to continue to perform his or her duties.
- E. No covered employee shall report for duty, remain on duty, or perform a safety-sensitive function if the covered employee tests positive for drugs or alcohol under this policy.
- F. Any employee who violates any of the terms of these policies is subject to disciplinary action up to and including immediate termination.

## II. DRUG AND ALCOHOL TESTING PROGRAM

To promote a drug-free work force and to eliminate illegal drug and alcohol use in the transportation industry, the School District is required to conduct the following tests:

- A. Pre-employment Testing;
- B. Random Testing;
- C. Post-accident Testing;
- D. Reasonable Suspicion Testing; and
- E. Return to Duty Testing.

Applicants and employees are on notice that samples will be collected and tested for evidence of:

- A. Cannabinoid (e.g., Marijuana, Hashish);
- B. Cocaine;
- C. Opiates;
- D. Phencyclidine (PCP);
- E. Amphetamines;
- F. Barbiturates; and
- G. Alcohol, where appropriate.

### **III. PRE-EMPLOYMENT TESTING**

All applicants shall submit to drug and alcohol testing as a pre-qualification condition for all covered positions, or when a current employee moves from a non-covered to a covered position.

#### **REGULATORY REQUIREMENTS**

- A. An individual may not be hired into a covered position unless the individual passes a drug and alcohol test. Applicants who have participated (within the previous thirty days of the employment application with the School District) in a drug and alcohol testing program in compliance with federal law may be hired without a test only upon the School District's verification of the prior testing program.
- B. An employee may not be transferred to a covered position until the employee passes a drug and alcohol test.

#### **IMPLEMENTATION PROCEDURES**

- A. All covered applicants will be notified in writing that passing a drug and alcohol test is a condition for employment.
- B. Upon the School District's extension of a conditional job offer, the candidate will be sent to the collection site for testing.
- C. The applicant may be considered eligible for employment after a written confirmation of negative test results has been received by the Human Resources Department from the Medical Review Office (MRO).
- D. Records will be retained in accordance with federal and state rules.
- E. Offers of employment will be withdrawn for applicants who refuse testing.

### **IV. RANDOM TESTING**

Federal law requires the School District to test at least 50 percent of covered employees for drugs, and at least 10 percent of covered employees for alcohol, each calendar year; the actual percentage may be adjusted based on violation rules.

#### **REGULATORY REQUIREMENTS**

- A. All employees who work in covered positions are subject to drug and alcohol testing on an unannounced and random basis. All selected employees must report to the drug and alcohol testing center upon request.
- B. Each employee who works in a covered position shall be in a pool from which random selection is made. Each employee in the pool shall have an equal chance of selection and shall remain in the pool, even after the employee has been tested.

### **V. POST-ACCIDENT TESTING**

All covered employees involved in, or contributing to, an accident, and all covered employees who cannot be completely discounted as being contributing factors to an accident, must be tested as soon as possible after the accident. In all cases, alcohol testing must occur within two (2) hours, and drug testing must occur within thirty-two (32) hours, after the time of the accident.

- A. A covered employee involved in a "reportable accident" must promptly submit to a drug and alcohol test and advise the supervisor that the test was completed and where. The test is the responsibility of the covered employee.

A reportable accident includes accidents that result in:

- 1. the death of a person;
  - 2. a citation of the employee for a moving traffic violation arising from an accident.
- A. If the covered employee is seriously injured and cannot provide a specimen for testing, the employee shall authorize the release of hospital reports or other documents that would indicate whether drugs and alcohol were present in his or her system.

## **VI. REASONABLE SUSPICION TESTING**

Reasonable suspicion testing is required when the School District reasonably suspects that a covered employee is under the influence of drugs or alcohol during the work day or immediate before or after. Reasonable suspicion test referrals are based on observations including facts, circumstances, physical evidence, physical signs, symptoms or a pattern of performance or behavior, and include the covered employee's appearance, behavior, speech or odor.

## **VII. RETURN-TO-DUTY TESTING**

A covered employee who has previously engaged in prohibited conduct is required to undergo a drug and alcohol test prior to returning to performing safety-sensitive functions. The alcohol test must be less than 0.02 and the drug test must be negative. The School District is required to conduct unannounced drug and alcohol tests for persons who return to duty.

A minimum of six (6) alcohol tests must occur within the first twelve (12) months, and may continue for up to sixty (60) months after the return to duty at the discretion of the MRO.

## **REGULATORY REQUIREMENTS**

- A. A covered employee who refuses to take, or does not pass, a drug and alcohol test may not return to a safety sensitive position until the employee passes a drug and alcohol test and the MRO has determined that the employee may return to duty.
- B. A covered employee who must undergo a Return-To-Duty Test may be administered unannounced drug and alcohol tests for up to sixty (60) months after the employee returns to a covered position.

## **VIII. IMPLEMENTATION PROCEDURES**

Drug test results are sent to the designated MRO by the testing lab. In cases of confirmed positive results, the covered employee providing the sample is contacted by the MRO to determine if there is an acceptable medical reason for the positive result. The School District and the covered employee tested are notified verbally and in writing of the MRO's final determination. Alcohol test results are provided by the Breath Analysis Technician to the School District and the covered employee. A screening breath test of 0.02 or greater requires a

confirmation test. A confirmation test of 0.02 to 0.039 requires the covered employee be removed from duty and referred to a SAP (Substance Abuse Professional).

For positive drug results, the name and number of the School District's designated SAP is provided verbally and in writing to the covered employee tested and the School District informed of this.

If a job applicant receives a confirmed positive drug test result, the job offer is withdrawn and the applicant notified.

If a current employee receives a confirmed positive drug test result, the job offer is withdrawn and the employee notified.

If a current employee receives a confirmed positive drug and alcohol test, the employee is removed from performing safety-sensitive functions. If the drug test is positive, the employee may not return to driving until a negative drug test is on file. If positive for alcohol at 0.02 to 0.039, the employee is removed from performing safety-sensitive duties and cannot be retested for a minimum of twenty-four (24) hours. If the alcohol test is 0.040 or greater, the employee is removed from performing safety-sensitive duties, referred for a SAP evaluation, and may not return to work until completion of the evaluation and a Return-To-Duty Test of less than 0.02.

In addition, Federal Motor Carrier Safety Regulations, Part 383, Subpart D, Driver Disqualification's and Penalties, pertinent to driving under the influence of alcohol applies.

A current employee who tests positive a second time will be discharged.

Notwithstanding any other provisions herein in either case, 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 drug test, and if requested, the confirmatory retest, provided the School District believes that it is reasonably necessary to do so to protect the health or safety of the employee, co-workers, or the public.

Nothing of this policy limits the right of the School District to discipline or discharge an employee on grounds other than a confirmed positive test result.

## **IX. RIGHTS OF THE JOB APPLICANT/EMPLOYEE**

Before requesting a driver/applicant driver to undergo drug and alcohol testing, the School District will provide the individual with a form which acknowledges the individual has seen the School District's drug and alcohol testing policy and acknowledges the position the person is applying for is subject to testing.

A job applicant may refuse to undergo drug and alcohol testing: the consequences of such refusal shall be withdrawal of the job offer.

A current employee may refuse to undergo drug and alcohol testing: the consequences of such refusal are removal from performing safety-sensitive functions, and discipline up to, and including, discharge.

A current employee may refuse to undergo drug and alcohol testing after a reportable accident involving a fatality; the consequences of such refusal are immediate removal from performing safety-sensitive functions and disqualification for one year.

If a covered employee refuses to submit to a drug and alcohol test or fails the test and the MRO has reasonable cause to believe prohibited drug and alcohol use was the reason for such refusal or failure, the School District may not knowingly use that individual as a driver until he/she has successfully completed a rehabilitation program, been recommended for return-to-duty by the MRO, and passed a drug and alcohol test.

The School District will not discharge an employee for whom a confirmed positive drug and alcohol test result was the first such result for the employee, unless the following conditions have been met:

- A. The School District will first give 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 and/or alcohol counseling or a 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.

An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of drugs and alcohol, including test results.

A retest of the original urine specimen may be requested within sixty (60) days, by written notice to the MRO. The testing must be done in a licensed lab certified to do this testing and is at the expense of the employee.

Employees may also exercise any rights which may be available under a collective bargaining agreement as well as the right to union representation in meetings which may lead to discipline.

## **X. EMPLOYEE AND SUPERVISOR TRAINING**

The School District will provide educational materials to covered employees directly employed by the School District that explain the requirements of this testing program and the School District's policies and procedures in meeting these requirements.

Each covered employee will sign a statement that this information has been received.

Persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo testing will receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on drug use. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled drugs.

## **XI. CONFIDENTIALITY OF RECORDS AND RELEASE OF INFORMATION**

Records concerning program administration are kept in accordance with federal and state laws. The School District will provide all covered employees with an Employee Assistance Program "EAP" pamphlet listing telephone numbers and other basic information pertaining to the misuse of drugs and alcohol. Callers to this EAP number can speak directly to a counselor for advice or assistance. Evaluation and/or treatment associated with drug and alcohol misuse or the violation of the above policies will be at the employee's expense or pursuant to coverage under an employee benefit plan.

Copies of the D.O.T. Drug Testing policy are available from the School District upon request. Documentation on EAP training will be maintained in the employee's personnel file. Again, any questions regarding these issues should be direct to Director of Transportation and/or Human Resources Manager.

Anoka-Hennepin District No. 11  
Coon Rapids, MN 55433  
Adopted November 6, 1996