

Adopted:

MSBA/MASA Model Policy 416FRM  
Mandatory, Annual Review  
Online and Seat-Based School's Policy  
Orig. 2023

**Attachment A**

(D R A F T)

[TO BE PLACED ON LETTERHEAD]

[TODAY'S DATE]

[Employee Name]

[Employee Address]

PRETEST NOTICE

I, the undersigned employee/job applicant of \_\_\_\_\_ Crosslake Community School do hereby acknowledge that I have been provided a copy of the CCS's Drug, Alcohol, and Cannabis Testing Policy

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Job Applicant*

\_\_\_\_\_  
*Typed or Printed Name*

## Attachment B

(DRAFT)

[TO BE PLACED ON LETTERHEAD]

[TODAY'S DATE]

[Employee Name]

[Employee Address]

RE: Drug, Alcohol, and/or Cannabis Test

[Date of Testing]

### NOTICE OF TEST RESULTS AND VARIOUS RIGHTS

#### Test Results:

\_\_\_\_\_, Crosslake Community School 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 Crosslake Community School a copy of the test result on any drug or alcohol test or cannabis 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 CCS, in addition to any information already submitted, to explain that result. Attached to this Notice is Attachment C, 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 CCS in writing of your intention to obtain a confirmatory retest.

Within three (3) working days after receipt of the notice, CCS 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, alcohol, and/or cannabis 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 CCS 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 CCS 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 CCS, unless the following conditions have been met:
  - a. The CCS 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 or cannabis counseling or rehabilitation program, whichever is more appropriate, as determined by the CCS 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 CCS 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 CCS 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 CCS may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the CCS, 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 or cannabis 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, alcohol, and/or cannabis testing, CCS 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, CCS may withdraw the job offer.

**Attachment C**

(D R A F T)

[TO BE PLACED ON LETTERHEAD]

[TODAY'S DATE]

[Employee Name]

[Employee Address]

**EXPLANATION OF POSITIVE TEST RESULT**

I, the undersigned employee/job applicant of Crosslake Community School 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*

**Attachment D**

**(DRAFT)**

**[TO BE PLACED ON LETTERHEAD]**

**[TODAY'S DATE]**

**[Employee Name]**

**[Employee Address]**

**ACKNOWLEDGEMENT - DRUG, ALCOHOL, AND CANNABIS TESTING POLICY**

I have received a copy of the Drug, Alcohol, and Cannabis Testing Policy of Crosslake Community School and have read it in its entirety.

Crosslake Community School'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, alcohol, and/or cannabis testing as applicable. (job applicant)

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Applicant*

\_\_\_\_\_  
*Typed or Printed Name*