

-- 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. 857 Lewiston Altura, 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

-- 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 authorize all my previous employers and other contracting entities for whom I worked to provide to Independent School District No. 857, Lewiston, Minnesota, all records and information on any of the following within the two year period preceding this release: 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:~~

- a. ~~my alcohol tests which showed a concentration with a~~ result of 0.04 or greater;
- b. ~~my drug tests which showed a positive test result~~ Verified positive drug tests;
- c. ~~my refusals to take a drug/alcohol test; and/or~~ Refusals to be tested;
- d. ~~referrals to a substance abuse professional.~~ Other violations of DOT agency drug and alcohol testing regulations;
- e. Information obtained from previous employers of a drug and alcohol rule violation;
- f. Documentation, if any, of completion of the return-to-duty process following a rule violation.

~~I release any of my prior employers and other contracting entities and their directors, officers, agents, and employees from all causes of action, claims, or debts which I or my heirs may have as a result of providing this information.~~

~~I realize that if I refuse to execute this release and give Independent School District No. 857 the opportunity to obtain this information, I may not be employed or, if employed, I will not be allowed to perform any safety sensitive functions after fourteen (14) days from the time this information is requested and not provided by my former employers and other contracting entities, and my employment will be terminated.~~

Employee Signature: _____ Date: _____

Section I-A.

School District Name: Winona County Independent School District 857

Address: 100 County Road 25
Lewiston, MN 55952

Phone #: 507-523-2191 Fax #: 507-523-3460

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: _____

~~---BUS DRIVER OR DRIVER APPLICANT---~~

~~DRUG AND ALCOHOL TEST CONSENT,~~

~~RELEASE, AND ACKNOWLEDGMENT~~

Date: _____

Time: _____

I hereby authorize _____
(hospital or clinic)

~~its physicians, nurses, and technicians, to withdraw specimens of my urine/breath for the purpose of determining the presence of alcohol or of controlled substances therein and to further determine the content thereof. I understand and agree that the result of this test will be disclosed to Independent School District No. 857, Lewiston, Minnesota, and~~

~~hereby release _____
(hospital or clinic)~~

~~and any employees and/or agents thereof from any and all claims or causes of action resulting from the disclosure of these results. I hereby further agree to waive any physician-patient privilege that may otherwise exist with respect to the confidentiality of the results of these tests.~~

~~I further acknowledge that I have had the opportunity to review and read the drug and alcohol testing policy of Independent School District No. 857, and understand that this procedure is in conformance with that policy.~~

~~I am using the following medications: _____
_____~~

Dated: _____

Signature of Patient/Employee/Applicant

Typed or Printed Name

Witness:

Supervisor (Optional)

-- 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.
- Failing to provide adequate breath for testing without a valid medical explanation after I received notice to report for the test; or

Failing to provide adequate urine for a controlled substances test without a valid medical explanation after I received notice to report for the test; or

Engaging in conduct that clearly obstructs the testing process.

[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 this refusal 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, will be considered insubordinate and subject to disciplinary action, up to and including dismissal, will be evaluated by a substance abuse professional, and will be required to submit to a return-to-duty test prior to being re-assigned to safety-sensitive functions.~~

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: _____

-- PRETEST NOTICE --

I the undersigned employee/job applicant of Independent School District No. 857, Lewiston, 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

[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. 857, Lewiston, 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.

EXPLANATION OF POSITIVE TEST RESULT

I the undersigned employee/job applicant of Independent School District No. 857, Lewiston, 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

-- ACKNOWLEDGMENT --

DRUG AND ALCOHOL TESTING POLICY

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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