

**COLOGNE ACADEMY DISTRICT 4188**  
**DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL POLICY PROCEDURES**

**STUDENTS**

Student Use of Illegal Drugs or Alcohol

If a student is suspected of being under the influence of alcohol or an illegal substance or in possession of the same while on the school premise, bus, school district vehicle, school sponsored activity, or while representing the school in any way the following will occur:

1. The student will meet with the building principal, dean or counselor;
2. The following persons will be contacted:
  - a. parent or guardian;
  - b. chemical health specialist, social worker, or counselor;
  - c. police liaison officer.
3. The student will be removed from school by the parent, or in the case of parent/guardian unavailability, the police may remove the student from school and take him/her to a supervised location.
4. When the parent/guardian arrives at school to remove the student, a discussion of the Student Drug and Alcohol Policy will take place. The consequences for violation of that policy will also be discussed.
5. If the student is involved in a school sponsored activity, the District 4188 Activities Director will be notified of the violation and consequences will be issued as set forth by the Minnesota State High School League.

Student re-entry to school after use of alcohol or an illegal or controlled substance

1. The student must meet with the District 4188 Chemical Health Specialist or an "outside" expert for an assessment of chemical or alcohol use.
2. After this evaluation, the parent/guardian will be contacted to discuss the assessment and recommendation(s) for student support.

Student distribution or selling of alcohol or an illegal or controlled substance on school grounds, at school activities, or distribution or selling of these substances away from school grounds that lead to dangerous or harmful activities on school grounds:

1. Students who are found in violation of the Drug and Alcohol Policy of District 4188 for the selling or distribution of alcohol or illegal or controlled substances will be subject to the consequences of the policy up to and including expulsion.
2. Students who sell or distribute alcohol or illegal or controlled substances will meet with the school principal.
3. The following people will be contacted: a. parent/guardian b. police liaison c. chemical health specialist.
4. Referral will be made to the police department.
5. Parents and the students involved will be advised of the consequences of violations of the District 4188 Drug and Alcohol policy up to and including expulsion.

Consequences for violations of the Drug-Free Workplace/Drug-Free School Policy:

Disciplinary action or consequences for these offenses may include, but are not limited to, one or more of the following:

1. Student conference/parent conference;
2. Suspension from co-curricular activities;
3. Referral to community services or outside agency services;
4. Assignment to an alternative educational program;
5. Suspension from school;
6. Expulsion from school;
7. Completion of an appropriate rehabilitation program;
8. Transfer to another school building;
9. Referral to police or other law enforcement agencies for criminal action;

10. Referral to county juvenile authorities;
11. Schedule adjustments;
12. Mandated attendance at student support groups conducted by chemical health specialist(s).

These actions are not listed in any particular order. Imposition of consequences is within the sole discretion of the District. Actions other than those listed above may also be taken.

Any action taken subsequent to a violation of the District 4188 Student Alcohol and Drug Policy will be in compliance with the provisions of the Pupil Fair Dismissal Act of 1974.

## **EMPLOYEES**

### Notice

The administration will provide notice of the Employee Drug and Alcohol Policy to all employees upon revision of this Policy, to job applicants upon hire, and annually to all employees. Notice that the District has an Employee Drug and Alcohol Policy will also be posted in a conspicuous location in each school. Employees can access copies of the policy and procedures in electronic form at any time through the District's Intranet. Copies of the policy and procedures are available for inspection by job applicants during regular business hours in the District 4188 Human Resources Office.

### Reporting Reasonable Suspicion

Whenever the District has reasonable suspicion to believe that an employee has violated any drug or alcohol prohibitions contained in the Policy, it will require the employee to submit to an alcohol and/or drug test. Any such suspicion must be based upon specific current, descriptive observations concerning the appearance, behavior, speech, or body odor of the employee, which may include indications of the chronic and withdrawal effects of drugs or alcohol.

1. Before sending any employee for a Reasonable Suspicion Drug or Alcohol Test, a trained supervisor or trained District administrator must document the circumstances that require testing in a Report of Reasonable Suspicion (Form GBEC–Suspicion) and consult with the Director of Administrative Services. A completed copy of the Report of Reasonable Suspicion will be given to the employee, by the supervisor, at the time the supervisor requests or directs the employee to undergo an alcohol or drug test.
2. A Reasonable Suspicion Drug or Alcohol Test will only be required if the reasonable suspicion observations are made during the period of time that the employee is required to be in compliance with the Policy.
3. If a Reasonable Suspicion Drug or Alcohol Test is not administered within two (2) hours following the reasonable suspicion determination, the District will document the reasons why the test was not promptly administered. If the test is not administered within eight (8) hours following the reasonable suspicion determination, the District will no longer attempt to administer a drug or alcohol test and will document the reasons for its inability to do so.

### Laboratory Testing Requirements

All testing will be conducted by a licensed, accredited, or certified laboratory selected by the Director of Administrative Services, which meets the criteria for drug and alcohol testing as outlined in Minn. Stat. § 181.953, Subd. 1.

The testing laboratory will conduct a confirmatory test on all samples that produced a positive test result on an initial screening test. The laboratory will provide a written test result report to District 4188 for each sample tested within three (3) working days after a negative test result on an initial screening test or, when the initial screening test produced a positive test result, within three (3) working days after a confirmatory test. The test report must indicate the drugs, alcohol, or drug or alcohol metabolites tested for and whether the test produced negative or positive test results. The laboratory will retain and properly store for at least six months all samples that produced a positive test result.

### Payment for the Cost of Testing

The District is responsible to pay the cost of a drug or alcohol test required under this Policy. However,

any confirmatory retesting requested by the employee will be at the employee's expense.

#### Chain-of-Custody Procedures

To ensure proper record keeping, handling, labeling, and identification of the samples to be tested:

1. From the time the sample is collected through the time it is delivered to the laboratory, possession of a sample must be documented and traceable to the employee from whom the sample was collected.
2. The sample must always be in the possession of, must always be in view of, or must be placed in a secured area by a person authorized to handle the samples.
3. A sample must be accompanied by a written chain-of-custody record that includes dates, times, and signatures of individuals transferring possession of the sample.

#### Rights of Employees

Before requesting an employee to undergo drug or alcohol testing, the District will provide the employee with a form on which to: (a) acknowledge that the employee has seen the District's Employee Drug and Alcohol Policy; and (b) indicate any over-the-counter or prescription medications that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result (Form GBEC-Notification).

The employee has the right to contact the exclusive representative at the time reasonable suspicion testing is requested. However, the inability to contact the exclusive representative by the employee will not delay the tests for more than two hours after notice that the test is being requested.

If any employee tests positive for drug use, the employee must be given written notice of the right to explain the positive test and the District may request that the employee indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

Within three (3) working days after notice of a positive test result on a confirmatory test, the employee may submit information to the District, in addition to any information already submitted under paragraph (3), to explain the result or the employee may request a confirmatory retest of the original sample at the employee's expense within five (5) working days after notice of the positive test result on a confirmatory test.

The employee has the right to request and receive from the District a copy of the test result report on any drug or alcohol test.

No adverse personnel action will be taken if a properly requested confirmatory retest does not confirm the result of an original confirmatory test using the same drug or alcohol threshold detection levels as used in the original confirmatory test.

If the test results are negative, no entry will be made in the employee's personnel file about the circumstances surrounding a requested test.

The unannounced treatment program testing does not require a finding of reasonable suspicion by the Administration. The District may require unannounced treatment program testing at any time that the employee is performing employment duties or is attending school-related events while acting as a school representative, so long as there are not more than six (6) tests in each year of the two years of unannounced testing.

#### Notice of Test Results

Within three days after receipt of a test result report from the testing laboratory, District 4188 will inform, in writing, the employee who has undergone drug or alcohol testing of: (a) a negative test result on an initial screening test; (b) a negative or positive test result on a confirmatory test; and (c) the employee's right to request and receive a copy of the test result report.

In the case of a positive test result on a confirmatory test, the District will also, at the time of this notice,

inform the employee in writing of the employee's right to submit additional explanatory information or to request a confirmatory retest of the original sample at the employee's expense within five working days of written notice from the District of the positive confirmatory test.

#### Confirmatory Retests

The employee may request a retest of the original sample at the employee's own expense after receiving notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee must notify the District in writing of the intention to obtain a confirmatory retest.

Within three (3) working days after notification from the employee, the District will notify the original testing laboratory that the employee has requested the laboratory to conduct a confirmatory retest or transfer the sample to another laboratory, licensed under Minn. Stat. § 181.953, Subd. 1, to conduct the confirmatory retest. The original testing laboratory must ensure that 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 retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee.

#### Disciplinary Action for Positive Drug or Alcohol Tests

Disciplinary action, including the possibility of immediate termination, will be taken consistent with the collective bargaining agreement and applicable laws, including MS 122A.40, for: (a) a confirmatory test verifying a positive test result if such positive test result was the second or more positive test result for the employee; or (b) if the positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the District, and 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.

#### Limitations on Employee Discharge, Discipline, or Discrimination

The District may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

In addition to the limitation under the previous paragraph, the District may not discharge an employee 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 District unless the following conditions have been met:

(a) The District has first given the employee an opportunity to participate in, at the employee's own expense or through coverage under an employee benefit plan, either a drug 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

(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.

Notwithstanding paragraph (1), the 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 District believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, students, 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.

The District may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of medical history information revealed to the District pursuant unless the

employee was under an affirmative duty to provide the information before, upon, or after hire. The District recognizes that no affirmative duty exists unless specifically stated in writing as part of an individual employee's Return to Work Agreement or any other written agreement between the District and an employee.

An employee will 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 action taken based on the reports or other acquired information.

The test results will be considered invalid if the School District or the laboratory did not follow the conditions set forth in the School District policy or guidelines.

#### Treatment Program Testing

An employee who has been referred by the District for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, will be required to undergo drug or alcohol testing, without prior notice, during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program (Form GBEC-Release). Unannounced treatment program testing may be requested by the supervisor of the employee at any time while the employee is performing employment duties or is attending school-related events. The District may require up to a maximum of six (6) tests in each year of the two years of unannounced testing.

#### Confidentiality and Record Keeping

The District will maintain all records generated under this Policy in a secure manner so that disclosure to unauthorized persons does not occur. The results of any test administered under this Policy and/or any other information generated pursuant to this Policy will not be disclosed or released to anyone without the express written consent of the employee, except where otherwise required or authorized by law. The District's contract with its designated laboratory shall require the laboratory to maintain all employee test records in confidence.

However, the laboratory or the District may disclose information required to be maintained under this Policy pertaining to an employee, the employer, or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or drug test administered under this policy, or from the employer's determination that the employee engaged in conduct prohibited by this Policy (including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).

**COLOGNE ACADEMY DISTRICT 4188  
SUPERVISOR'S REPORT OF REASONABLE SUSPICION**

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

Location: \_\_\_\_\_ Time: \_\_\_\_\_

**OBSERVATIONS**

Breath/Odor of Alcoholic Beverage:  Strong  Moderate  Faint  None

Eyes:  Bloodshot  Glossy  Watery  Clear  
 Heavy Eyelids  Fixed Pupils  Dilated Pupils

Speech:  Confused  Stuttered  Thick-Tongued  Mumbled  Cotton Mouthed  
 Fair  Slurred  Not Understandable  
 Other \_\_\_\_\_

Attitude:  Combative  Indifferent  Talkative  Insulting  
 Cocky  Sleepy  Profane  Other \_\_\_\_\_

Unusual Action:  Hiccupping  Belching  Vomiting  Fighting  Crying  
 Laughing  Other \_\_\_\_\_

Balance:  Falling  Needs Support  Wobbling  Swaying  Other \_\_\_\_\_

Walking:  Falling  Staggering  Stumbling  Swaying  Other \_\_\_\_\_

Turning:  Falling  Staggering  Stumbling  Swaying  Hesitant  Other \_\_\_\_\_

Indicate Any Other Unusual Actions, Statements Or Observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signs Or Complaints Of Illness Or Injury:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Safety Sensitive Function:  Yes  No Describe:

\_\_\_\_\_  
\_\_\_\_\_

**SUPERVISOR'S OPINION**

Apparent Effects of Alcohol/Drug Use:  None  Signs  Obvious  Extreme

Additional Comments:

\_\_\_\_\_  
\_\_\_\_\_

Supervisor: \_\_\_\_\_ Witnesses: \_\_\_\_\_

Signature: \_\_\_\_\_

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

Original: Human Resources Office      Retention: Destroy this document after five years from the date of supervisor's signature.



**COLOGNE ACADEMY DISTRICT 4188  
TEST REFUSAL**

**DRUG TEST REFUSAL:**

I, \_\_\_\_\_, hereby refuse to provide a urine or blood specimen to the appropriate collection personnel so that a drug screening test can be performed. Consistent with established procedures and work rules of District 4188, I understand that if I refuse to undergo drug testing pursuant to the Employee Drug and Alcohol Policy, I will be subject to discipline, including the possibility of immediate termination, consistent with applicable laws including M.S. § 122A.40 and the collective bargaining agreement.

**ALCOHOL TEST REFUSAL:**

I, \_\_\_\_\_, hereby refuse to provide a blood or urine specimen to the appropriate collection personnel so that an alcohol screening test can be performed. Consistent with established procedures and work rules of District 4188, I understand that if I refuse to undergo alcohol testing pursuant to the Employee Drug and Alcohol Testing Policy, I will be subject to discipline, including the possibility of immediate termination, consistent with the applicable laws including M.S. § 122A.40 and the collective bargaining agreement.

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

Supervisor: \_\_\_\_\_ Time: \_\_\_\_\_

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Refused to Sign

\_\_\_\_\_  
(Supervisor Signature)

\_\_\_\_\_  
(Date)



**COLOGNE ACADEMY DISTRICT 4188  
NOTIFICATION OF TESTING RESULTS**

To Employee: \_\_\_\_\_

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

Attached to this notice are the results of your drug or alcohol test taken on \_\_\_\_\_, 20 \_\_\_\_ .

Under School District 4188's Employee Drug and Alcohol Policy, you have the following rights:

1. You have the right to request and receive from the District a copy of the test result report on any drug or alcohol test conducted on you.
2. In the case of a positive test result on a confirmatory test, you have the right to explain the positive test and the District may request that you indicate any over-the-counter or prescription medication that you are currently taking or have recently taken and any other information relevant to the reliability of, or explanation for, the positive test result.
3. You may request a confirmatory retest of the original sample at your own expense after notice of the positive test result on a confirmatory test. You must notify the District in writing of your intention to obtain a confirmatory retest within five (5) working days after notice of the confirmatory test result. You may use the original testing laboratory that analyzed your test results or you may select another laboratory, licensed under Minnesota Statute, to conduct the confirmatory retest. 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.
4. 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. Any disciplinary action taken will be consistent with applicable collective bargaining agreements and laws, including Minn. Stat. 122A.40.
5. The District may not discharge you for a positive test result on a confirmatory test when the confirmatory test was the first such result for you on a drug or alcohol test requested by the District unless the following conditions have been met:
  - (a) The District has first given you an opportunity to participate in, at your own expense or through coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the District after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and
  - (b) You have either refused to participate in the counseling or rehabilitation program or 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.
6. The District may temporarily suspend you 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 your health and safety, or the health and safety of co-employees, students, 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.

**COLOGNE ACADEMY DISTRICT 4188**  
**NOTIFICATION OF TESTING RESULTS**  
(Continued)

7. The District may not discharge, discipline, discriminate against, or request or require your rehabilitation on the basis of medical history information revealed to the District when you consented to the test unless you were under an affirmative duty to provide the information before, upon, or after hire. The District recognizes that no affirmative duty exists unless specifically stated in writing as part of an individual employee's Return to Work Agreement or any other written agreement between the District and its employees.
8. You will be given access to information in your employee personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and action taken based on the reports or other acquired information.
9. The test results will be considered invalid if the District or laboratory does not follow the conditions set forth in the School District Policy or Guidelines.
10. All written information required to be delivered to the District under the Employee Drug and Alcohol Policy must be sent to: Director of Administrative Services, Cologne Academy District 4188, 1221 S. Village Parkway, Cologne, MN 55322.

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Date

1221 S. Village Parkway  
Cologne, MN 55322

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Director of Administrative Services  
Cologne Academy District 4188

**COLOGNE ACADEMY DISTRICT 4188  
RELEASE TO RETURN TO WORK AGREEMENT**

You have been on medical leave of absence from work for \_\_\_\_\_ weeks for treatment of admitted alcohol/drug abuse. We received a statement signed by a licensed provider stating you have been released to return to work.

We encourage your continued recovery. We do expect you to be in full compliance with the discharge plan of continuing recovery and will be receiving regular updates on your participation in the program as outlined by \_\_\_\_\_ .

Your continued abstinence from drugs/alcohol is essential and you will be subject to unannounced drug/alcohol tests under the District 4188 Employee Drug and Alcohol Policy. The period for unannounced drug/alcohol tests will expire on \_\_\_\_\_. A positive drug/alcohol test, refusal to take an unannounced drug/alcohol test, or non-compliance with the requirements of your continuing recovery program may result in discipline, including the possibility of immediate termination, consistent with applicable laws including M.S. § 122A.40. and the collective bargaining agreement.

\_\_\_\_\_  
(Employee)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(District 4188 Representative)

\_\_\_\_\_  
(Date)