

**City of Saint Paul**  
**Pre-Employment Drug Testing (Non-DOT) Policy**  
***Police and Fire Personnel***

1. **PURPOSE AND OBJECTIVES** - The City of Saint Paul ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of the general public, other workers as well as themselves. The City does not intend to intrude into the private lives of its employees, but strongly believes that a drug- and alcohol-free workplace is in the best interest of employees and the public alike. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The City of Saint Paul's Pre-Employment Drug (Non-DOT) Policy has been established for the purpose of providing a safe workplace for all. Job Applicants offered employment in position listed under **section 2: *Persons Subject to Testing***, must undergo testing as described in this policy.

To ensure the policy is clearly communicated to applicants to whom offers of employment have been made, and to comply with state law, applicants are required to review this policy and sign the Policy Acknowledgement and Consent Form. Applicants will acknowledge (1) having seen a copy of the City's Pre-Employment Drug Testing Policy, (2) consent to undergo the drug testing, (3) right to refuse testing understanding that passing the drug test is a requirement of the job, (4) right to explain a positive test result on a confirmatory test, and (5) that a confirmatory retest may be requested but paid for by the applicant.

**OUT OF POLICY SCOPE** - City employees and applicants required to hold a commercial driver's license (CDL) by the United States Department of Transportation (DOT) for their job will be tested under the City's Policy on Employee Drug and Alcohol Testing for Commercial Motor Vehicle Drivers.

2. **PERSONS SUBJECT TO TESTING & CIRCUMSTANCES UNDER WHICH TESTING MAY BE REQUIRED.**

Under this policy, for the positions listed below, the City will drug test any applicant to whom an offer of certified, provisional or temporary employment has been made:

- a. Police Officer/Police Trainee
- b. Firefighter/Firefighter Trainee
- c. EMT (Emergency Medical Technician)
- d. Fire Medic Cadet
- e. Emergency Medical Services Cadet - Temporary
- f. Community Liaison Officer
- g. Parking Enforcement Officer

**CIRCUMSTANCES:** The Employer may request or require a job applicant to undergo drug testing if: (1) the job applicant has been given a job offer contingent upon passing drug testing, (2) the same test is requested or required of all job applicants conditionally offered employment for that position, and ( 3 ) a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1 is utilized. The Human Resources Director or any designee of the Human Resources Director will determine if drug testing will be required for a position.

No job applicant will be tested for drugs under this policy without the job applicant's consent. The Employer will request or require a job applicant to undergo drug testing only under the circumstances described in this policy. If the job offer is withdrawn based on drug test results, the City will inform the applicant of the reasons for the withdrawal. A failure of the drug test, a refusal to take the test, a positive dilute, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment.

### 3. REFUSAL TO UNDERGO TESTING

a) Right to Refuse - Job applicants have the right to refuse to undergo drug testing. If a job applicant refuses to undergo drug testing requested or required by the Employer, no such test shall be given.

b) Consequences of Refusal - If any job applicant refuses to undergo drug testing requested or required by the Employer, the Employer may withdraw the job offer that was conditional upon passing drug testing.

c) Refusal on Religious Grounds - No job applicant who refuses to undergo drug testing of a blood sample upon religious grounds shall be deemed to have refused unless the applicant also refuses to undergo drug testing of a urine sample.

d) Intentional omission - Any intentional act or omission by the applicant that prevents the completion of the testing process constitutes a refusal to test.

e) Alteration - An applicant who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug test will have the job offer immediately withdrawn.

4. **COST OF REQUIRED TESTING** – The City will pay for the cost of all drug testing requested or required of all job applicants and employees, with the exception of confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

### 5. PROCEDURE FOR TESTING

a) **Notification and Consent Form** – Before requesting a job applicant to undergo drug testing, the City shall provide the individual with a form on which to (1) acknowledge that the individual has seen the City's Pre-Employment Drug Testing Policy, and (2) indicate consent to undergo the drug testing.

b) **Testing** – Testing will be performed in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act.

6. **NOTIFICATION OF TEST RESULTS AND RIGHTS OF JOB APPLICANTS** - Within three (3) working days after receipt of the test result report from the testing laboratory, the City (**HR Coordinator**) shall inform a job applicant who has undergone drug testing, in writing, of:

- a) A negative or positive test result
- b) The right to request and receive from the Employer a copy of the test result report;
- c) For positive test results, the right to submit information to the Medical Review Officer (MRO) within three (3) working days after notice of a positive test result to explain that result; to

indicate any over-the-counter or prescription medications that the job applicant is currently taking or has recently taken; and to provide any other information relevant to the reliability of, or explanation for, a positive test result;

- d) For positive test results, the right to request in writing within five (5) working days after notice of a positive test result, a confirmatory retest of the original sample at the job applicant's expense at the original testing laboratory or another licensed testing laboratory.

*Within three (3) working days after receipt of the written notice from the job applicant, the Employer (HR Coordinator) shall notify the original testing laboratory that the job applicant has requested the laboratory to conduct the confirmatory retest or transfer the sample to another licensed laboratory to conduct the confirmatory retest.*

*The confirmatory retest must use the same drug 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 the job applicant;*

- e) The right not to have a job offer withdrawn based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

## **7. AFTER ACTION TEST / WITHDRAWAL OF JOB OFFER**

- a) The City will not discriminate against a job applicant solely on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test, therefore, the Lab will conduct a confirmatory test on non-negative initial screening tests.
- b) Where there has been a positive test result in a confirmatory test/confirmatory retest, unless the job applicant has furnished a valid medical reason for the positive test result, the City will withdraw the job offer that was contingent on passing drug testing. If the job offer is withdrawn based on a verified positive test result that has been verified by a confirmatory test and possible confirmatory retest, the Employer shall inform the applicant of the reason for the job withdrawal.

## **8. DATA PRIVACY -** The purpose of collecting a body component sample of blood, breath, or urine is to test that sample for the presence of drugs. The name, initials and social security number of the person providing the sample may be requested so that the sample can be identified accurately but confidentially. All data collected under this policy is intended for use in determining the suitability of the applicant or employee for employment. The job applicant may refuse to supply the requested data, however refusal to supply the requested data may affect the job applicant's job offer.

A Medical Review Officer may only disclose to the Employer test result data regarding the presence or absence of drugs or their metabolites in a sample tested. The Employer or laboratory may not disclose the test result reports and other information acquired in the drug testing process without the written consent of the person tested, unless permitted by law or court order.

Evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes, Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed as required by law, court order, or subpoena. Positive test results may not be used as evidence in a criminal action against the employee or applicant tested.

## 9. RETENTION/ACCESSIBILITY OF PRE-EMPLOYMENT DRUG & ALCOHOL TESTING RECORDS

The HR Department shall maintain records and related documents compiled by the City on individuals in response to pre-employment drug & alcohol testing. The City's Records Retention policies, the Minnesota Government Data Practices Act, and applicable Federal and State laws shall govern the storage, use and dissemination of such records. Where the use of such records are not addressed by the foregoing standards, the use and dissemination of such records, such as their availability to hiring authorities, shall be within the discretion of the HR Director or designee.

## 10. DEFINITIONS

- a. **Confirmatory Test and Confirmatory Retest** means a drug test that uses a method of analysis allowed by the Minnesota Drug and Alcohol Testing in the Workplace Act to be used for such purposes.
- b. **Drug** means a controlled substance as defined in Minnesota Statute §152.01, Subd. 4.
- c. **Drug Testing and Drug Test** mean analysis of a body component sample approved according to the standards established by the Minnesota Drug and Alcohol Testing in the Workplace Act, for the purpose of measuring the presence or absence of drugs or their metabolites in the sample tested.
- d. **Job Applicant** means a person who applies to become an Employee of the City of Saint Paul and includes a person who has received a job offer for a position listed under **section 2: Persons Subject to Testing**, contingent on the person passing drug testing.
- e. **Employee** means a person employed with the City of Saint Paul.
- f. **Employer** means the City of Saint Paul acting through authorized hiring managers.
- g. **Initial Screening Test** means a drug test which uses a method of analysis allowed by the Minnesota Drug and Alcohol Testing in the Workplace Act to be used for such purposes.
- h. **Positive Test Result** means a finding of the presence of drugs or their metabolites in the sample tested in levels at or above the threshold detection levels as determined by the City of Saint Paul in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act.
- i. **Valid Medical Reason** means (1) a written prescription, or an oral prescription reduced to writing, which satisfies the requisites of Minnesota Statute §152.11, and names the job applicant as the person for whose use it is intended; and (2) a drug prescribed, administered and dispensed in the course of professional practice by or under the direction and supervision of a licensed doctor, as described in Minnesota Statute §152.12; and (3) a drug used in accordance with the terms of the prescription. Use of any over-the-counter medication in accordance with the terms of the product's directions for use shall also constitute a valid medical reason.
- j. **Controlled Substance** means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statute § 152.02.
- k. **Individual** means a natural person.
- l. **Sample** means a body component sample that may be measured for the presence or absence of drugs or their metabolites; in most cases the sample will be urine.

## 8. ROLES & RESPONSIBILITIES

Role	Responsibility
Hiring Authority	Understand and comply with all City policies and procedures with respect to hiring appointed, classified, provisional and temporary employees.
Human Resources	a) Develop, implement, manage and update the policy. b) Establish, manage and modify procedures necessary to carry out and comply with the policy in accordance with applicable laws, City ordinances, policies and rules.
Medical Review Officer/Third Party Clinic	Deliver services and conduct Pre-Employment Drug Tests in accordance with State and Federal Laws and as described in the contract between the Medical Review Officer/Third Party Clinic and the City of Saint Paul under the requirements of the Human Rights and Equal Employment Opportunity Office.

This Pre-Employment Drug Testing Policy is intended to conform to the provisions of the Minnesota Drug and Alcohol Testing in the Workplace Act (Minnesota Statutes, §§ 181.950 to 181.957), as well as the requirements of the federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and related federal regulations.

**City of Saint Paul**  
**POLICY ACKNOWLEDGEMENT AND CONSENT**  
**FORM FOR**  
**PRE-EMPLOYMENT DRUG TESTING (NON-DOT)**  
**Data Practices Advisory: Minnesota Statute §13.04, Subd. 2**

I acknowledge that I have seen the City of Saint Paul Pre-Employment Drug-Testing (Non-DOT) Policy.

If I am selected as a final candidate for hire and provided a conditional offer of employment, I hereby consent to undergo drug testing pursuant to said policy, and I authorize the City of Saint Paul through its agents and employees to collect a breath, saliva and/or urine and/or blood sample from me for that purpose.

I understand that I must provide a valid sample that can be tested for the presence or absence of drugs or their metabolites. I further understand that failure to provide a valid sample that leads to a verifiable result **will** result in the job offer extended by the City of Saint Paul to be withdrawn.

I understand that the results of this drug testing may be discussed with and/or made available to the City of Saint Paul. I further understand that the results of this testing may affect my job offer as described in the policy. I understand that a confirmatory retest may be requested within five (5) days of receiving notice of a positive result but that I will be responsible for such costs.

The purpose of collecting a body component sample of breath, saliva, blood, or urine is to test that sample for the presence of drugs. A sample provided for drug testing will not be tested for any other purpose.

The name, initials and social security number of the person providing the sample may be requested so that the sample can be identified accurately but confidentially. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable and to determine whether there is a valid medical reason for any drug or their metabolites in the sample. All data collected, including that in the notification form and the test report, is intended for use in determining the suitability of the job applicant for employment. The job applicant may refuse to supply the requested data; however, refusal to supply the requested data may affect the job applicant's job offer.

A Medical Review Officer may only disclose to the City of Saint Paul test result data regarding presence or absence of drugs or their metabolites, in a sample tested. The City of Saint Paul or laboratory may not disclose the test result reports and other information acquired in the drug testing process to another employer or to a third party individual, governmental agency, or private organization without the written consent of the person tested, unless permitted by law or court order. Evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes, Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed as required by law, court order, or subpoena. Positive test results may not be used as evidence in a criminal action against the applicant tested.

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Name (Please Print or Type)

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Position Being Considered for and Department

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

\_\_\_\_\_  
Witness (Hiring Authority – Print or Type)

\_\_\_\_\_  
Signature

Date \_\_\_\_\_