

DRUG FREE WORKPLACE POLICY

**APPROVED BY
THE BOARD OF TRUSTEES OF
THE COAL CITY PUBLIC LIBRARY DISTRICT**

MARCH 10, 2020

DRUG-FREE WORKPLACE

The Coal City Public Library District (Library) has a longstanding commitment to provide a safe and productive work environment. Alcohol and drugs in the workplace, including cannabis, pose a threat to the health and safety of employees and to the security of the Library's equipment and facilities. For these reasons the Library is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

PROHIBITED ACTIVITY

The possession, consumption, purchase, sale, transfer or distribution of alcohol on Library property is prohibited unless an exception is made by the Library Board of Trustees. No employee shall be under the influence of alcohol while on Library property or while performing Library business off Library property except a moderate amount may be consumed at approved Library events provided such consumption does not adversely affect an employee's behavior or judgment and, if the employee will drive a motor vehicle following the event, does not adversely affect the employee's ability to safely and legally drive the vehicle. A violation of this moderate consumption rule will result in discipline up to and including termination of employment.

"Legal drugs" are:

- A. Drugs that are permitted under state or federal law,
- B. Obtained by an employee with a physician's prescription or over-the-counter, and
- C. Used for the purposes for which they were prescribed or sold.

Employees using cannabis must be aware of any potential effect such drugs may have on their judgment or ability to perform their duties and may not possess, use, or be under the influence of cannabis while performing their duties, while on Library property, or while operating vehicles for the Library. Employees are responsible for consulting with their doctors about a prescription medication's effect on their ability to work safely, and promptly disclose any restrictions to their supervisor. In the event an employee fails to report such restrictions and creates a safety threat, neither a physician's prescription nor other medical reason will be an acceptable excuse for being in violation of this policy. Employees should not, however, disclose underlying medical conditions unless specifically directed to do so.

"Illegal drugs" are drugs or controlled substances that are:

- A. Not legally obtainable under federal law or state law, or

- B. Legally obtainable under federal or state law, but not obtained and/or used in a lawful manner.

The use, purchase, sale, transfer, possession, being under the influence, or in the presence in one's system of a detectable amount of an illegal drug by any employee is prohibited:

- A. On Library property, or
- B. Where the employee is performing Library business off Library property.

TESTING FOR ALCOHOL AND DRUGS

The Library will require a drug and alcohol test of any employee where there is a reasonable suspicion to believe that he or she may be using drugs or may be under the influence of drugs or alcohol while working, on Library property, or operating Library vehicles. "Reasonable suspicion" will be based on objective factors such as the employee's appearance, speech, behavior, or other conduct or facts that indicate the employee is under the influence of legal or illegal drugs, cannabis, alcohol or any or all of the above. The Library Director, Assistant Director or Charge Person will use (**APPENDIX A**) as documentation. Involvement in any injury or accident at work or while performing Library business may also be grounds for testing if a member of management has a reasonable belief that drugs/alcohol may have contributed to the injury or accident. Employees will be required to sign a consent and release form prior to drug or alcohol testing (**APPENDIX B**). If there is "Reasonable Suspicion" the Library Director, Assistant Director or Charge Person will take the staff member to the Diagnostic & Rehabilitation Center in Morris for testing. Test results will be kept confidential to the extent possible and consistent with applicable law.

Employees who refuse to cooperate in required tests; test positive for alcohol, cannabis, or illegal drugs; are found to be under the influence of alcohol, cannabis or illegal drugs or use, possess, buy, sell, manufacture or dispense alcohol, cannabis, or illegal drugs in violation of this policy (as discussed above) will be terminated. In addition, if an employee fails to report immediately to the testing location upon request, comply with any testing procedures (including attempting to substitute, dilute, or otherwise change specimens to be tested) and/or fails to provide specimens unless medically incapable, he or she will be considered as refusing to test and subject to discipline, up to and including termination.

The laboratory conducting the tests shall transmit positive drug tests results to a doctor or Medical Review Officer ("MRO") retained by the Library. The Library shall offer persons with positive results a reasonable opportunity to establish that their results are caused by lawful prescribed medicines or other lawful substances. (A medical cannabis prescription or claim that

cannabis was used “off duty” is not a defense to a reasonable suspicion test). Persons with positive test results may also ask the MRO to have their split specimen sent to another federally certified lab, to be tested at the employee’s or applicant’s own expense. Such requests must be made within three (3) working days of notice of test results. If the second lab fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test.

NOTICE OF ARREST OR DRUG CONVICTION

Employees should notify the Library Director of any arrest and pending charges for drugs or alcohol.

Employees must notify the Library of any criminal drug conviction occurring no later than five (5) days after such conviction. For purpose of this notice requirement, a conviction includes finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, sale, dispensation, possession or use of any controlled substance or cannabis. Failure to notify the Library Director may subject the employee to disciplinary action, up to and including dismissal.

EMPLOYEE ASSISTANCE PROGRAM

The Library will assist and support employees who voluntarily seek help for alcohol or drug problems *before* they become subject to disciplinary action under this or other Library policies. Employees who seek such assistance will be allowed to use accrued paid time off, placed on leaves of absence, where available, referred to treatment providers or otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatments and required to take and pass follow-up tests.

REASONABLE SUSPICION CHECKLIST

Employee's Name

Date and Time

**STEP 1: NOTIFY the Library Director, Assistant Director, or Charge Person
Manager and Supervisor**

STEP 2: Complete this interview/checklist with a witness (preferably management)

**STEP 3: Determine if the employee may return to work or ensure safe
transportation if instructed for a drug/alcohol test (have consent form signed)**

STEP 4: Provide a copy of all documentation to the Library Director

EMPLOYEE INTERVIEW

Are you currently under the influence of alcohol or drugs? _____

When did you last drink alcohol? _____

When did you last use drugs? _____

What kind of drugs? _____

Are you currently taking any medication(s) that may affect your ability to work? _____

What medication(s) _____

What are the side effects? _____

If the previous answers are all no, ask "Can you help explain what might be going on today?"

Additional comments or observations of impairment:

CHECK ALL THAT APPLY

Suspicious physical attributes:

- Alcohol odor
- Marijuana odor
- Eyes red (bloodshot), glassy or watery
- Face flushed/Pale/Unusual color
- Blank or confused look on face
- Speech thick or slurred
- Eyes puffy/droopy
- Pupils very small/Very large
- Disheveled clothing and/or appearance

Suspicious behavioral attributes:

- Trouble following or understanding your instructions
- Disruptive behavior, to staff and/or customers
- Carelessness resulting an injury to himself/herself/others or serious damage to equipment or property?

Other observed behaviors:

- Sleepy/Lethargic
- Slow, including delayed reaction times
- Confused
- Anxious/Paranoid
- Argumentative/Agitated
- Moody, including any sudden mood changes
- Hostile/irritable
- Giddy/carefree
- Clumsy/uncoordinated
- Irrational
- Unsteady
- Fidgety
- Dizzy
- Attendance; unusual attendance issues, away from the work area for extended times or repeatedly tardy or absent

If attendance pattern(s) are unknown check below:

- Will follow up with employee's supervisor and comment below

Results/Instruction

- Employee may return to work today
- Employee may not return to work today, pending further investigation including a drug/alcohol test (*Library Director will contact employee regarding test results and work status*)
- Employee refused to go for a drug/alcohol test, []accepted []rejected a ride home

Charge Person/Supervisor's Signature

Witness Signature

APPENDIX B

DRUG/ALCOHOL TESTING AUTHORIZATION & CONSENT FORM

I, _____, hereby knowingly and voluntarily authorize and consent to the collection and testing of specimens through the use of urine, hair, blood, breath or any sample as specified by statute and regulation by a collection site and laboratory to be designated by the Coal City Public Library District for the purpose of drug or alcohol testing.

I authorize the collection site, laboratory and medical review officer (MRO) to disclose the results of my drug tests to the Coal City Public Library District with the condition that the results may not be used in any criminal proceeding.

The Coal City Public Library District acknowledges that at the time of collection, a refusal to authorize the collection and testing of my specimens by the collection site and laboratory, or a refusal to authorize the above disclosure of the test results will be treated as a positive drug/alcohol test. I further acknowledge that a positive drug/alcohol test will result in disciplinary action up to and including termination.

I understand I have the right to request a re-test of the initial specimen at a licensed laboratory of my choice if and when I have a positive test for drugs. All request for a re-test of the sample must be made within ten (10) working days of the receipt of the original positive test result. The results of the samples must be forwarded to me by the appointing authority of the licensed laboratory.

In addition, I hereby knowingly and voluntary release the Coal City Public Library District, the collection site, the testing laboratory, the MRO and their respective officers, directors, employees an agents from any and all claims, damages, losses, liabilities, costs and expenses, including attorney fees, arising from or relating to such collection and testing and any disclosure of the results thereof, including without limitation, the disclosure of any inaccurate or incomplete results, to the fullest extent permitted by law.

I acknowledge that I have the right to receive a copy of this authorization.

I have read and understood the above Authorization & Consent in its entirety, and I agree that a copy of this document is as valid as the original.

Applicant's Signature

Date

Applicant's Printed Name