



3-17 POLICY ON ALCOHOL AND DRUG ABUSE

Purpose: SYCAMORE PARK DISTRICT has implemented a Policy on Alcohol and Drug Abuse in response to overwhelming evidence that alcohol and drug abuse has a detrimental impact on employees' health, job performance, safety, and efficiency, Since SYCAMORE PARK DISTRICT employees operate, supervise and maintain facilities, programs and equipment for use by members of the public and perform services that may have a direct effect on the health and safety of members of the public and fellow employees, SYCAMORE PARK DISTRICT wishes to maximize the health and safety of its patrons and employees.

This policy also expresses the SYCAMORE PARK DISTRICT's desire to satisfy the requirements of the federal and state **Drug Free Workplace Acts (41 U.S.C.A. § 701 *et seq.* and 30 ILCS 580/1 *et seq.*)**. In accordance with these statutes and concerns, SYCAMORE PARK DISTRICT has resolved to maintain a drug free workplace.

The purpose of this policy is to inform employees of SYCAMORE PARK DISTRICT's investigation, treatment and disciplinary policy relating to alcohol and drugs. As such, all full-time employees and employees in safety sensitive positions as defined by SYCAMORE PARK DISTRICT will abide by its terms. As with all policies in this Manual, this policy is subject to periodic addition, modification, or deletion.

Acts Prohibited: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, cannabis or alcohol, is prohibited on SYCAMORE PARK DISTRICT Property or while acting on behalf of SYCAMORE PARK DISTRICT except when lawful dispensation and use of alcohol occurs at SYCAMORE PARK DISTRICT facilities licensed for such purposes or when use of alcohol occurs at social functions being attended as a duty of the employee's position in which the employee is not affected by a blood alcohol content of .04 or above. In all instances, employees are prohibited from using or being under the influence while on duty.

Definitions: For purposes of this Policy, the following definitions apply:

1. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol and isopropanol
2. "Cannabis", including medical cannabis, is defined as provided in the Cannabis Control Act (720 ILCS 550/1 *et seq.*) which provisions are specifically incorporated in this Policy by reference.
3. "Controlled Substance" means a controlled substance in schedules I through V of section 812 of Title 21 of the United States Code, which provisions are specifically incorporated in this Policy by reference.
4. "Criminal Drug Statute" means a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or cannabis.
5. "Director" is the Executive Director of SYCAMORE PARK DISTRICT.
6. "District Property" means any building, park, gym, pool, office, common area, open space, vehicle, parking lot, or other area owned, leased, managed, used or controlled by SYCAMORE PARK DISTRICT. SYCAMORE PARK DISTRICT Property also includes property used by SYCAMORE PARK DISTRICT, patrons while on SYCAMORE PARK DISTRICT sponsored events, or field trips or property of others when presence thereon by a SYCAMORE PARK DISTRICT employee is related to employment with SYCAMORE PARK DISTRICT.



7. "Drugs" mean Legal Drugs and controlled substances.
8. "Legal Drugs" mean prescription drugs and over-the-counter drugs which have been obtained legally and are being used in the manner and for the purpose for which they were prescribed or manufactured, including cannabis.
9. "Medical Facility" means any physician, laboratory, clinic, hospital, or other similar entity.
10. "Policy" means this Alcohol and Drug Abuse Policy of SYCAMORE PARK DISTRICT.
11. "Possess" means to have either in or on an employee's person, personal effects, desk, files, or other similar area.
12. "Public Safety Responsibility" means a position in which the nature of an employee's duties is such that impaired perception, reaction time, or judgment may place a member or members of the public or other employees at risk of serious bodily harm or is responsible for the administration or enforcement of alcohol/drug policies.
13. S.A.P. —Substance Abuse Professional
14. "Under the Influence" means that the employee is affected by a blood alcohol content of .04 and above or drugs in any determinable manner. A determination of being under the influence can be established by a professional opinion and/or a scientifically valid test.

Voluntary Treatment: It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. SYCAMORE PARK DISTRICT will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of SYCAMORE PARK DISTRICT's drug and alcohol policy or other rules of conduct. Seeking such assistance will not be a defense for violating SYCAMORE PARK DISTRICT's drug and alcohol policy, nor will it excuse or limit the employee's obligation to meet SYCAMORE PARK DISTRICT'S policies, rules of conduct, and standards including, but not limited to, those regarding attendance, job performance, and safe and sober behavior on the job. Employees who suffer from alcohol or drug abuse are encouraged to consult voluntarily with SYCAMORE PARK

DISTRICT management and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense, although some of these expenses may be covered under the employee's group health plan. Please see Administration for details. SYCAMORE PARK DISTRICT management **will** attempt to keep such voluntary discussions and medical treatment confidential in accordance with this Policy.

Screening and Testing: SYCAMORE PARK DISTRICT may require employees to be screened or tested on a random basis (safety sensitive employees only), or may require any employee to be screened or tested following a work place accident where it is reasonably believed that alcohol or drug use may have been a factor in the accident during and after an employee's participation in an alcohol or drug counseling or rehabilitation program, or upon reasonable suspicion that the employee is under the influence of alcohol or drugs. The screening or testing will be conducted by a medical facility selected by SYCAMORE PARK DISTRICT at SYCAMORE PARK DISTRICT's expense.

The screening or testing may require an analysis of the employee's breath, urine and/or blood or such similar substance as the medical facility may recommend. Employees who undergo alcohol or drug screening or testing will be given the opportunity, prior to the collection of a specimen or other testing, to disclose the use of legal drugs and to explain the circumstance of their use. If an initial test is positive, a second test will be conducted from the same sample. A confirmed positive drug and/or alcohol test may result in disciplinary action, up to and including discharge.



Each SYCAMORE PARK DISTRICT employee is required to sign a consent form, a copy of which is included with this Policy, at the time this Policy is distributed to the employee.

Prospective employees for positions that require a pre-employment physical will be required to sign a consent form prior to taking the pre-employment physical.

Each employee and prospective employee may also be required to sign a separate consent form requested by the Medical Facility conducting the screening or testing. Refusal to sign any requested consent form will result in non-hire or disciplinary action up to and including dismissal, as deemed appropriate by SYCAMORE PARK DISTRICT, in its sole discretion, under the circumstances.

Screening and Testing Procedures:

Random Testing

- a. Safety sensitive employees will be placed in a pool from which random selections for testing will be made. SYCAMORE PARK DISTRICT may choose to test entirely from its own pool of employees, or it may choose to join a Consortium. Random testing will be for both alcohol and controlled substances.
- b. Every employee in the selection pool has an equal chance of being selected each time a drawing is made.
- c. Selection for testing will be performed on a sufficiently random basis. Employees will not know when testing is complete for the year nor when to anticipate the next selection.
- d. A surplus of names will be generated so that another selection may be made in place of an employee who is temporarily on leave.

Reasonable Suspicion Testing

- a. When a supervisor has reason to believe that an employee has alcohol or controlled substances in their system, they contact their department head (or equally trained supervisor) who will also observe the employee. If both supervisors agree, the employee will be driven to the designated testing facility for alcohol or controlled substances testing as appropriate.
- b. A supervisor will have a reasonable suspicion that an employee is impaired or under the influence of cannabis, alcohol, or controlled substances while on duty if the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; or carelessness that results in any injury to the employee or others. The Supervisor will make a record of the signs of the employee's impairment, who observed the signs of impairment, and the date and time of the observation.
- c. When a reasonable suspicion determination has been made, the employee must immediately stop work.



e. The employee will be informed of his or her right to consent or refuse testing, and the consequences of refusing testing or failing an alcohol or drug test. If not already on record, the employee will be asked to review and sign a Consent/Refusal Form. The employee may be asked to sign a second consent form from the testing facility.

f. The supervisor calls the designated testing facility to advise that the employee will be reporting for the testing. The employee under suspicion must be accompanied to the testing facility, preferably by a supervisor.

g. If an employee refuses to submit to a test, he will be required to call someone to drive him home. If unable to find someone, a cab will be called. SYCAMORE PARK DISTRICT will pay for the cab with reimbursement by the employee when he returns to work. If the employee insists on driving himself, it may not be in a SYCAMORE PARK DISTRICT vehicle, and the local Police Department will be called and notified.

h. Testing for alcohol reasonable suspicion should be performed within two hours but cannot be conducted if eight hours have passed since the determination was made. A written report must be submitted to the Executive Director for the file explaining why testing was not performed within two hours. Controlled substances testing should be performed as soon as possible but not after 32 hours since the determination was made.

i. The supervisor(s) making the determination must submit a signed written description citing the specific observations which led to the reasonable suspicion testing. The written description should be submitted before the test results have been received.

Post-Accident Testing

a. If an employee is injured on the job, and/or drivers of a SYCAMORE PARK DISTRICT vehicles/equipment are involved in an accident they may be tested for both alcohol and controlled substances if a reasonable belief exists that alcohol or drug use was a factor in the accident.

b. The driver/injured employee will remain readily available for testing after an accident until 32 hours have passed or earlier if a supervisor advises that testing will not be necessary.

c. A driver cannot consume any alcohol within eight hours following an accident unless a supervisor advises that no testing will be required, or testing has already been performed.

d. If an injury or accident occurs or a driving accident takes place, alcohol/substance testing will be performed within two hours. A written record must be submitted to Administration to be added to the personnel file explaining why testing could not be performed within two hours if such is the case.

Follow-up Testing During and After an Employee's Participation in Counseling/Rehab Program

a. Any affected employee who has refused to test or who has tested positive for controlled substances or greater than 0.04 alcohol content and has been determined by a substance abuse professional to require help in dealing with their substance abusers' problem will be subject to follow up testing.

b. Administration will order the affected employee to immediately report for surprise alcohol or controlled substance (or both) testing at the frequency prescribed by the substance abuse professional. Administration will advise the S.A.P. of the test results. The duration of surprise testing will continue as long as required by the S.A.P. to a **maximum of five years**.



c. At a minimum, six unannounced tests will be required within the first 12 months of return to duty. **This minimum must be conducted regardless of whether the S.A.P. deems no more testing is required.**

d. Employee is responsible for all costs associated with follow-up testing.

Required Training: All supervisory personnel will receive training in recognizing physical signs of alcohol misuse and controlled substance use prior to any employee being ordered to submit to reasonable suspicion testing by that supervisor. 60 minutes of training for alcohol misuse recognition and 60 minutes of training for controlled substance use recognition is required. All employees will sign a receipt that they attended the training. The receipt will be kept in SYCAMORE PARK DISTRICT records.

Treatment: If the medical facility recommends treatment, SYCAMORE PARK DISTRICT may, depending on the circumstances as determined in the sole discretion of SYCAMORE PARK DISTRICT, give the employee one opportunity to undergo treatment offered by a clinic or trained professional mutually acceptable to SYCAMORE PARK DISTRICT and the employee.

Participation in such treatment will be at the employee's expense. The employee must enter the treatment program within ten (10) days from the time of recommendation of treatment. SYCAMORE PARK DISTRICT may reinstate the employee provided that the employee submits a statement issued by the medical facility certifying successful completion of the treatment program, that the employee is released to return to work, and that the employee agrees to all conditions of reinstatement as determined by SYCAMORE PARK DISTRICT, which may include, but is not limited to, future alcohol and/or drug testing.

Use of Legal Drugs: Any employee who operates a vehicle, or has public safety responsibility and who has taken a legal drug must report the use of such legal drug to their immediate supervisor if the legal drug may cause drowsiness or if it may alter judgment, perception or reaction time. The burden is on the employee to ascertain from the employee's doctor or pharmacist whether or not the legal drug may have such a potential side effect. The information will be retained by SYCAMORE PARK DISTRICT in a confidential manner and will be disclosed only to persons who need to know.

The employee's immediate supervisor, after conferring with the department head or Executive Director, will decide whether or not the employee may safely continue to perform the job while using the legal drug. Failure to declare the use of such legal drugs may be cause for discipline up to and including dismissal.

Notice of Convictions: Any employee who is convicted of violating any federal or state criminal drug statute must notify the Executive Director within five (5) days of such conviction. For purposes of this notice requirement, a conviction includes a 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 Executive Director may subject the employee to disciplinary action, up to and including dismissal.



Discipline/Penalties for Violation:

1. An employee who reports to work or is found during working hours to be or to have been under the influence of alcohol, controlled substances, or cannabis or who manufactures, possesses, uses, sells or dispenses alcohol, controlled substances, or cannabis while on SYCAMORE PARK DISTRICT property or while acting on behalf of SYCAMORE PARK DISTRICT (except when lawful dispensation and use of alcohol occurs at SYCAMORE PARK DISTRICT facilities licensed for such purposes or when use of alcohol occurs at social functions being attended as a duty of the employee's position in which the employee is not affected by a blood alcohol content of .04 or above.), is convicted of a drug related crime, causes financial or physical damage to SYCAMORE PARK DISTRICT property, its employees or patrons as the result of alcohol or drug abuse, or fails to report the use of legal drugs in accordance with this Policy, will be disciplined in accordance with the Disciplinary Action Section of SYCAMORE PARK DISTRICT's Personnel Policy Manual. In addition to or in the alternative, depending on the circumstances as determined by SYCAMORE PARK DISTRICT in its sole discretion, SYCAMORE PARK DISTRICT may require the employee to successfully complete an alcohol and/or drug abuse assistance or rehabilitation program approved for such purposes by SYCAMORE PARK DISTRICT and by a federal, state or local health law enforcement or other appropriate agency. An employee who participates in a treatment program will be expected to meet job performance standards and comply with all rules established by SYCAMORE PARK DISTRICT. Participation in a treatment program will not, in itself, protect the employee from disciplinary actions should job performance remain unsatisfactory. An employee will not be disciplined solely on the basis of testing positive for cannabis. If the SYCAMORE PARK DISTRICT disciplines an employee because the employee is under the influence of or impaired by cannabis, the employee shall have a reasonable opportunity to contest the basis of this determination.

2. In addition to the examples of misconduct that may subject an employee to disciplinary action contained in this Policy and the Manual, SYCAMORE PARK DISTRICT will discipline an employee up to and including dismissal for the following: (1) if the employee refuses to submit to diagnosis, testing or screening upon request of SYCAMORE PARK DISTRICT; (2) if the employee tampers in any way with the specimen given to the medical facility for purposes of alcohol or drug screening or testing; (3) if the medical facility recommends treatment and the employee refuses to undergo such treatment; (4) if, while undergoing treatment, the employee fails or refuses to follow the course of treatment; (5) if the employee, during the course of or following treatment, is again under the influence of alcohol or drugs in violation of this Policy; or, (6) if the employee fails to notify the Executive Director of a conviction for violating any federal or state Criminal Drug Statute in accordance with the "Notice of Conviction" section of this policy.

Pre-Employment Screening: As a final prerequisite in SYCAMORE PARK DISTRICT's employment selection procedure, persons otherwise offered a full-time, labor intensive position with SYCAMORE PARK DISTRICT will be required to undertake a physical examination which may include a drug and alcohol screening test.

Inspections: In order to assure that employees comply with the prohibition on manufacturing, distributing, dispensing, possessing, or using alcohol, controlled substances, or cannabis, employees may be subject to inspection as follows:

Commented [SA1]: The Right to Privacy in the Workplace Act (820 ILCS 55/5) makes it illegal for an employer to discipline an employee solely for testing positive for cannabis. While you can continue to test employees for cannabis, no employee should be disciplined solely on the basis of a positive test unless the employee also demonstrates signs of impairment.

Section 10-50(d) of the Cannabis Regulation and Tax Act gives an employee the right to contest any finding that he or she is impaired by cannabis while on duty.



1. Lockers, desks, files, vehicles, equipment and other containers and property owned or leased by SYCAMORE PARK DISTRICT and which an employee is permitted to use during employment with SYCAMORE PARK DISTRICT, are and remain the property of SYCAMORE PARK DISTRICT. Employees are not permitted to keep controlled substances, cannabis, or alcohol in or on such property. Any such property reasonably suspected of having or holding such substances is subject to search by SYCAMORE PARK DISTRICT.

2. Any refusal to submit to such an inspection will be treated as an act of insubordination and may result in disciplinary action, up to and including dismissal.

Records: SYCAMORE PARK DISTRICT will maintain medical records relating to alcohol or drug abuse, diagnosis, and treatment confidential and in a file separate from the regular personnel files. Access will be limited to those who need to know. SYCAMORE PARK DISTRICT will not disclose these records to persons outside the DISTRICT without the employee's consent unless disclosure of the records is necessary for legal or insurance purposes.

CONSENT TO DRUG AND/OR ALCOHOL

SCREENING OR TESTING

I hereby voluntarily consent to submit to drug and/or alcohol screening or testing by a physician, clinic, laboratory, or medical facility chosen by the Sycamore Park District at SYCAMORE PARK DISTRICT's expense. I hereby consent to the physician, clinic, laboratory, or medical facility taking and analyzing a sample or specimen of my breath, urine, saliva, blood, and other similar substance. I also authorize the physician, clinic, laboratory, or medical facility to disclose his, her or its findings, conclusions, and opinions regarding the drug and/or alcohol screening or testing to a SYCAMORE PARK DISTRICT official or a designated representative.

I hereby further consent to SYCAMORE PARK DISTRICT's contacting my physician or pharmacist to verify my reported use of legal drugs in accordance with SYCAMORE PARK DISTRICT's Alcohol and Drug Abuse Policy and authorize my physician or pharmacist to provide all information requested by SYCAMORE PARK DISTRICT regarding my use of such drugs, including without limitation the possible effects of such use on my performance of my job functions.

I also acknowledge receiving, reading, and understanding SYCAMORE PARK DISTRICT's Alcohol and Drug Abuse Policy. I understand that, in accordance with this policy, failure to execute this document and submit to drug and/or alcohol screening or testing, or failure to report to SYCAMORE PARK DISTRICT the use of legal drugs as required by the policy, may result in non-hire or disciplinary action, up to and including termination.

Employee Name:

(Print)

Employee Signature: _____

Date: _____

Witness Signature: _____

Adopted On:

Revised On: October 2016
November 2021

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