



Village of Mount Prospect

Mount Prospect, IL

VILLAGE OF MOUNT PROSPECT SUBSTANCE ABUSE POLICY AND PROGRAM

I. GENERAL POLICY REGARDING USE OF DRUGS AND ALCOHOL

A. Policy Statement

The employees of the Village of Mount Prospect are the Village's most important asset. It is through them that the Village achieves its goals and objectives. Employees look to the Village to provide them with guidance as to what is expected for proper job performance. Abuse of drugs (including cannabis in some cases) and alcohol can inhibit an employee from proper performance of duties. In addition, the possible use and abuse or use of drugs and alcohol by any Village of Mount Prospect employee would create an unacceptable and dangerous work environment resulting in a risk to the safety and well-being of all Village employees and the citizens we serve. It may also result in unproductive work days and increased sick leave use or abuse. The Village also believes that the citizens of Mount Prospect are entitled to expect that the employees who serve them obey the law, are reasonably fit and healthy, and are free from the effects of drug and/or alcohol use and abuse.

Therefore, the Village of Mount Prospect hereby establishes the following policy regarding substance abuse including screening programs and treatment programs (where appropriate) applicable to all personnel of the Village. In the event of a conflict between a provision in this Policy and an explicit term in a collective bargaining agreement, the collective bargaining agreement will govern for covered employees. B. Purpose (includes, without limitation) the following objectives:

1. To establish and maintain a safe, healthy working environment for all employees.
2. To ensure the reputation of the Village of Mount Prospect employees as good, responsible citizens worthy of public trust.
3. To avoid incidents of accidental injury to person or property.
4. To prevent absenteeism, tardiness and poor job performance.
5. To provide a means of assistance toward rehabilitation for any employee who seeks the Village's help in overcoming any addiction to or dependence upon or problem with alcohol or drugs.

B. Definitions

The following terms used in this Policy have the following meanings:

1. "Drugs" or "substances of abuse" shall mean the unexplained use, or the excessive use or abuse of legally prescribed drugs and/or the use, sale or possession of illegal drugs, as defined in Chapter 56-1/2 paragraph 1100-et. seq. of the Illinois Revised Statutes (and any revisions thereto), known as the Controlled Substances Act. A list of the most common drugs includes, but is not limited to, the following:

opium	Codeine
morphine	Heroin
methadone	chloral hydrate
glutethimide	tranquilizers
barbiturates	amphetamines
methaqualone	LSD
phenmetrazine	MDA
cocaine	hashish (and hashish oil)
methylphenidate	Mescaline
marijuana (THC)	psilocybin
"designer" drugs	

2. "Impairment" or "under the influence" due to alcohol shall mean a blood alcohol content of .05 or more as indicated by a blood/alcohol test including but not limited to a breathalyzer test; or a blood alcohol content of less than .05 but there is conduct evidencing apparent impairment as described in Section IV.C.2; or conduct adversely affecting the employee's work performance, the safety of the employee or others, or the Village's reputation and stature as a public servant. Where an employee's conduct is found to constitute impairment or being under the influence due to alcohol, incapacity for duty and a policy violation shall be presumed.
3. "Impairment" or "under the influence" due to drugs shall mean the presence in the system of any illegal drug; or conduct evidencing objective proof of impairment such as conduct, statements, behavior or observations that suggest an employee's lawful use of cannabis or cannabis infused product(s) adversely affecting the employee's work performance, the safety of the employee or others, or the Village's reputation and stature as a public servant.

It is also a violation of this Policy for an employee to consume medication contrary to a prescription which is unlawful drug use. Where an employee's conduct is found to constitute impairment or being under the influence due to drugs, incapacity for duty and a policy violation shall be presumed.

4. “Policy” shall mean this Policy and any guidelines established for enforcement of the Policy as may be amended from time to time.
5. ‘Positive drug and/or alcohol screen’ shall mean a confirmed positive result from the confirming test.
 - a. For drugs, a confirmed positive result may be obtained using the Gas Chromatography/Mass Spectrometry technique using threshold levels established by the National Institute of Drug Abuse. The Village’s drug testing facility will perform a blood alcohol screen and/or a rapid 11 panel drug screen urine test (or comparable test).
 - b. Initial testing may be done by using the Enzyme Immunoassay technique. Threshold levels shall be as established by the National Institute on Drug Abuse.
6. EAP or local treatment center - Employee Assistance Program or Drug/Alcohol Rehabilitation Center which is approved by the Village.
7. “Working Time” means time the employee is scheduled to be working, including lunch or break periods and all times when the employee is engaged in activities on behalf of the Village. Working Time also includes time an employee is “on call” or in “standby” status after receiving at least 24 hours’ of advance notice that the employee is in such status.

II. PROHIBITED CONDUCT BY EMPLOYEES

A. Alcoholic Beverages and Cannabis

1. No alcoholic beverages will be brought into or consumed upon Village premises unless authorized for special events or under certain circumstances by the Village Board or the Village Manager where such use is controlled and used in moderation only. The disciplinary procedure of the Village will be invoked for violations of this rule.
2. Reporting to or being under the influence of alcoholic beverages while at work is cause for suspension and/or termination of employment for even a first offense.
3. Any employee whose off-duty use of alcohol or cannabis results in any violation of the Rules and Regulations of the Village including, but not limited to, excessive absenteeism or tardiness, accidents or inability to perform duties in a satisfactory manner on Working Time, may be disciplined as permitted by law or may be referred to the Employee Assistance Program or referral treatment program for rehabilitation in lieu of disciplinary action (including termination if appropriate) or both.

B. Prescription Drugs

1. No prescription drug shall be brought upon Village premises for personal use by any person other than the person for whom the drug has been prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed.
2. Prior to a start of a shift, employees using medication or prescribed drugs which may impair job performance are to report this fact to their Supervisor before assuming work duties for the day.
3. Any employee whose use of prescription drugs results in any violation of the Rules and Regulations of the Village including, but not limited to, excessive absenteeism or tardiness, actual, potential or increased risk or exposure to accidents or inability to perform duties in a satisfactory manner, may be disciplined as permitted by law or may be referred to the Employee Assistance Program or referral treatment program for rehabilitation in lieu of disciplinary action (including termination if appropriate) or both.

C. Illegal Drugs

1. The use or possession of an illegal drug or controlled substance at work is cause for termination and referral to law enforcement authorities.
2. The sale, trade or delivery of illegal drugs or controlled substances by an employee to another person is cause for termination and referral to law enforcement authorities.
3. Even the “occasional,” “recreational” or “off-duty” use of illegal drugs is unacceptable behavior for Village of Mount Prospect employees and will be grounds for termination if deemed to be appropriate.

III. PROCEDURES

The procedures of the Village of Mount Prospect in regards to employees using, possessing or being impaired by or under the influence of alcohol or drugs while at work are as follows:

1. Employees shall report to their places of assignment fit and able to perform their required duties and shall not by any improper act render themselves unfit for work performance.

Step 1 - Supervisors who have reasonable suspicion to believe an employee is or may be under the influence of alcohol or drugs shall immediately relieve said employee from assigned work in order to protect said employee, fellow employees and the public from harm. Reasonable suspicion shall include, but is not limited to (one or more of the following), observations by Supervisors of behavior

indicating substance abuse (not all-inclusive), such as glazed eyes, smell of an alcoholic beverage, slurred speech, wobbly walk, change in attitude, aggressiveness, passed out, change in normal appearance or other acts associated with drug and/or alcohol use and abuse and/or any other violation of this Policy.

Step 2 - The Supervisor shall notify his/her Department Director (or designee) immediately utilizing the prevailing Department chain of command.

Step 3 - Whenever practical, both Supervisor and Department Director, or their designees, will interview the employee. If both believe, based upon reasonable suspicion, that the employee is or may be under the influence of alcohol or drugs then said employee will be taken to a designated testing facility or the Village of Mount Prospect Police Department for testing.

Step 4 - The decision to limit or exclude the employee from work activity should be documented by the end of said workday (or reasonably thereafter) with a copy sent to the Village Manager. Supervisors should document and summarize the reasons and observations while the information is fresh in their minds and details can be recalled.

Step 5 - Upon finding of reasonable individualized suspicion, the employee will be ordered to take the appropriate test. If the employee is willing to sign the appropriate release form, the testing facility or Mount Prospect Police Department will perform a drug and/or alcohol test.

- (a) It should be made clear to the employee before he signs the release form that the results will be used in disciplinary proceedings against the employee.
- (b) If the employee refuses to submit to the test, tampers with a test sample and/or otherwise fails to cooperate, upon request to submit to a test, the employee will be deemed insubordinate and in violation of the Mount Prospect Rules and Regulations as ordered by the Village Manager. This may result in discharge for even the first offense.

Step 6 - After an alcohol or drug test is administered, the employee may be placed on leave with pay until results are available if deemed appropriate by the Village.

- (a) When initial test results are positive for alcohol (.02 or higher), the employee will be relieved of duty and accommodations to have the employee return home will be provided by the Village. The employee may then be disciplined as permitted by law including and up to termination of employment, and/or referred to the Employee Assistance Program or counseling program
 - (b) Rejection of recommended treatment or failure to complete a recommended program will be cause for termination if made a condition of employment based on a failed test.
 - (c) Upon successful completion of treatment, the employee may be returned to active status provided the employee is released to do so (either with or without a reasonable accommodation if medically necessary for disabled employees).
 - (d) No employee will be eligible for the Employee Assistance Program more than one time during his/her employment for substance abuse and/or alcohol abuse as an “after the fact” request based on a violation of Village rules and job performance. Employees are encouraged to seek such assistance before a Policy violation occurs.
- 2. Upon the recommendation of a Supervisor and/or Department Director, any employee driving a Village vehicle involved in an accident shall be tested for drugs and alcohol where there is reasonable suspicion to believe the employee's conduct may have contributed to the accident.
 - 3. Supervisors are encouraged to refer employees to the EAP when there is a reasonable suspicion that the use and/or abuse of drugs and alcohol is or may be taking place.

IV. DRUG AND ALCOHOL SCREENING

A. Job Applicants

As a component of the selection process, applicants for positions with the Village of Mount Prospect may be required to successfully complete a drug and/or alcohol screening after a conditional offer of employment has been made as part of the pre-employment job related physical and medical exam. Refusal to submit to a drug and/or alcohol screening will result in withdrawal of any offer of employment and disqualify the applicant from further employment consideration. Except as

allowed by law, the Village generally will not conduct pre-employment screening for cannabis use.

B. Promotions

When a physical examination is required to qualify for a promotion to a particular position, an employee may also be required to submit to an illegal drug screen (where appropriate and consistent with business need) as part of the examination. Determinations as to which positions are subject to a physical examination requirement will be based on the nature of the position and the physical, mental or other requirements for successful performance of the essential job functions in the position.

Past practice with respect to physical examinations for a particular position is not determinative, and the Village expressly reserves the right to require a physical examination for promotion to a particular position. Notice of drug and/or alcohol screening will be provided in any position announcement, if applicable. This Section of the Policy will be construed in accordance with applicable law.

Refusal to submit to drug and/or alcohol screening will be considered as a voluntary withdrawal of the applicant from the promotion process and the applicant will not be able to apply for a promotion for a minimum of a three (3) month period.

C. Current Employees

1. Routine Exams: Where periodic or routine physical and medical examinations are required for a particular position, illegal drug and/or alcohol screening may be required during the examination process if it is job related and a business need. Refusal to submit to or other failure to comply with such drug and/or alcohol screening will be cause for disciplinary action. Some examples of routine exams include: Physical examinations conducted for individuals seeking reemployment, physical examinations conducted for employees who are required to undergo such examinations to determine fitness for duty, such as when returning from an injury leave, disability or sickness leave, or other leave; and physical examinations conducted for employees returning to duty following a leave of absence other than for purposes of recovering from injury or illness.
2. Suspicion of Impairment: Is defined generally as being or appearing to be under the influence of drugs or alcohol while at work, or being or appearing to be in an impaired physical state due to drugs or alcohol while working or on working time. Descriptions and examples of impaired behavior or behavior which may be considered a manifestation of impairment include, but are not limited to, the following:
 - a. Accidents or Injuries: When a Village employee is involved in an on-the-job accident or injury, that includes damage to property or

medical attention of any employee, the Supervisor investigating the accident or injury will, as part of the investigation, evaluate the employee's appearance and behavior. Upon the recommendation of the investigating Police Officer, Supervisor and/or Department Director, or designee, a drug and/or alcohol screening test may be required. Supervisors should seek to corroborate their observations when possible and appropriate.

- b. Performance/Conduct: When an employee is observed to be acting in a manner that can be considered unusual or inappropriate and/or where the employee exhibits some common traits of impairment, a drug and/or alcohol screening test may be required. Examples of such behavior may include, but are not necessarily limited to: Lower productivity; performance of unsafe acts on the job; peculiar accidents or damage to property; overreaction to criticism; mood swings; mistakes due to poor judgment as a result of impairment; improbable excuses for poor work patterns; patterns of or excessive amounts of absenteeism and tardiness; and unexplained or sudden absence from the work site. Other signs of impairment may be evidenced in the employee's demeanor such as slurred speech; unsteady gait; dilated pupils; unsure or tentative movements; smell of an alcohol beverage or drugs; and other unexplained or unusual actions which may seek to hide any suspected use of drugs and/or alcohol.

Whenever appropriate, the Supervisor should seek to corroborate his/her observations that lead to a reasonable individualized suspicion of impairment or use of drugs and/or alcohol. Impaired performance may not necessarily arise from a single incident but may be observed over a period of time; i.e., lowered job efficiency, varying productivity patterns, longer or more frequent breaks.

Whenever practical, a Supervisor shall discuss his/her evaluation and the basis for his/her suspicion with the appropriate Department Director before a drug and/or alcohol screening test is ordered. At times when the above-listed persons are not available for consultation, the Supervisor has the authority to order the employee to submit to a drug and/or alcohol screening test.

Refusal of an employee to comply with a request to submit to a drug and/or alcohol screening may warrant disciplinary action up to and including termination.

- c. Third Party Reports: When a report is received of drug or alcohol use by an employee, the Supervisor or Department Director (or designee) shall conduct an investigation as may be appropriate. If from the results of such investigation, the Supervisor reasonably

suspects that the employee may be impaired by or under the influence of drugs and/or alcohol or may have used drugs and alcohol in a manner in violation of the rules of this Policy, a drug and/or alcohol screening test may be ordered. Refusal of an employee to comply with and/or cooperate with a request for drug and/or alcohol screening may warrant up to and including termination.

3. Certification

Drug and/or alcohol screening may be warranted when an employee attempts to obtain certification for certain jobs that deal with the public safety and welfare.

4. Status of Employee Following Screening

When a drug and/or alcohol screening test is being done, pursuant to subsection C.2 above, the employee may be removed from work duties and placed on leave with or without pay pending the results of the examination as deemed appropriate.

V. POLICY/RULE VIOLATIONS

A. Violations Which Do Not Result In or Require a Drug/Alcohol Screen

The Village may discharge any employee regardless of test results for the following (not all inclusive):

1. Possessing, using, transporting or selling drugs (including cannabis) on the job or illegal drugs while off the job.
2. Using drugs (including cannabis) or alcohol while working.
3. Employees shall not be under the influence of or impaired by cannabis (even if consumed while off duty) during Working Time (as defined earlier in this Policy).
4. No test is needed where the Village has independent proof of a Policy violation however, a test will normally be performed.

NOTE: Such a discharge shall not be dependent upon a finding of guilty in a court of law but may be based only upon a finding of reasonable grounds to believe that one of the above acts occurred.

B. Consequences of Confirmed Positive Drug/Alcohol Screen

1. The Village of Mount Prospect May Discharge an Employee with a First Confirmed Positive Drug/Alcohol Screen Under the Following Circumstances:

- a. Where the employee is also involved in or reasonably suspected of involvement in the possession or sale of drugs, or is found or is reasonably suspected of using, selling, transporting or consuming drugs while on duty.
- b. Probationary employees.
- c. Other circumstances deemed appropriate by the Village.

2. Referral for Treatment:

Employees other than as set forth above with a first confirmed positive drug and/or alcohol screen may be referred to a program for diagnosis and possible treatment. Discipline may also be imposed as warranted under the circumstances; e.g., misconduct or impaired performance on the job, etc.

Employees applying for promotion will also be considered ineligible for the position sought based upon a first positive test result and may be referred for diagnosis and treatment. Employees seeking to return from leave status will not be considered for reinstatement to their positions until a report is received evaluating the employee's problem and plan for treatment or until the employee fulfills the recommended treatment program. No employee with a second confirmed positive drug and/or alcohol screen at any time during his/her employment with the Village will be eligible for referral to treatment, whether such test result arises from a second, separate incident, or additional testing during or after any treatment and diagnosis.

3. The Village of Mount Prospect Will Discharge an Employee with a Second Confirmed Positive Illegal Drug/Alcohol Screen:

The Village will discharge any employee with a second confirmed positive illegal drug, cannabis screen (when applicable) and/or alcohol screen arising from a second separate incident or from violation of the employee's treatment conditions, or following completion of the treatment process.

4. Applicants:

Applicants for initial hire whose illegal drug screening results are confirmed positive will be deemed to have failed the pre-employment physical exam (and any conditional offer made will be withdrawn).

C. Independent Testing

When an employee has been tested, pursuant to this Policy and there are confirmed positive results, the employee may request that an amount of the original specimen be submitted for an independent test. The employee must request and complete the independent test within ten (10) days of the date of notice of the test results. The independent test shall be at the employee's expense and shall use the same testing process and threshold levels used by the Village or its laboratory and shall be performed by a laboratory acceptable to the Village. The result of such independent test shall be considered when the Village evaluates an individual case. The Village may order a third test at its expense if the first two results are in conflict. If the Village believes that its initial test was incorrect, it may reimburse the employee for the cost of the independent test.

D. Testing Procedure

The Village will utilize a SAMHSA (or comparable) certified testing laboratory and/or medical facility to collect and analyze specimens of blood and/or urine. Collection will be done in such a manner as to protect the employee's privacy to extent appropriate.

All initial positive urine drug or breath alcohol screens will be confirmed through GC/MS test (gas chromatography, mass spectroscopy). Positive thresholds will be set at appropriate levels used for D.O.T. testing purposes. Where there is a suspicion of alcohol use, a breathalyzer test may be administered in lieu of or in addition to any blood or urine screen. This may be done at the Village of Mount Prospect Police Department or other designated location approved by the Village Manager.

E. Confidentiality of Results

To protect the privacy of the individual tested, the results of drug and/or alcohol screening test will be released only to the employee involved, the Village Manager, designated treatment professionals and others with a need to know the information to implement this Policy or to administer an applicable collective bargaining agreement. Village Administration will then determine appropriate action to be taken.

Where there is no need to be informed of the specific findings, only the fact of a confirmed positive result will be reported to the above Parties. No screening results or treatment shall be subject to the Freedom of Information Act.

VI. REFERRAL AND TREATMENT

A. Mandatory Referral

Employees will be referred for diagnosis and possible treatment except 1) where the violation involves the sale or possession of drugs on or off duty; 2) where the

employee is found using or consuming or reporting to work under the influence of alcohol and/or drugs; 3) the violation involves a probationary employee; 4) second or subsequent violation; and/or (5) other circumstances deemed appropriate by the Village Manager.

B. Voluntary Treatment and Counseling

Self-referral by employees to the Employee Assistance Program will be encouraged. Those employees who come forward to request referral for treatment or leaves of absence for treatment and the request is granted prior to a policy violation will not be subject to discipline and such voluntary treatment will not jeopardize an employee's job, security or promotional opportunities. Employees may not, however, avoid discipline by first requesting such treatment or leaves after they are suspected of violating this Policy or any other Department/Village rules and regulations. Requests for voluntary treatment and related matters will be kept CONFIDENTIAL except to the extent appropriate and consistent with business needs.

C. Evaluation, Development of Treatment Plan and Reassignment

An evaluation of the employee will be made at the designated treatment facility and a treatment plan may be developed, where necessary, based on the recommendations of the treatment professionals.

Such treatment plan may include referral to an outside treatment facility or program. As part of the evaluation, the evaluating treatment professionals, in consultation with the respective Department Director, may request an employee to be reassigned to a different position or to different job duties, or to take a leave of absence for a reasonable period of time. Reassignment may also be limited or denied at the discretion of the Department Director in view of the Village's operating requirements.

The treatment professional assigned to an employee's case will ordinarily maintain contact with the employee, the treatment provider and the Department Director to monitor progress. In cases where treatment participation is a condition of continued employment, the employee will be required to cooperate in and comply with all aspects of the treatment program (including referrals for additional treatment), undergo unannounced periodic drug and/or alcohol screening, successfully complete all aspects of prescribed treatment and remain free of drug and/or alcohol use, and sign an agreement consenting to said conditions.

Failure to comply with these conditions of continued employment shall be deemed a breach of the conditions and cause for discharge. Moreover, confirmed positive test results from a periodic drug and/or alcohol screen during treatment will be cause for discharge. The employee shall cooperate fully in the completion of all phases of testing and rehabilitation.

D. Follow-Up Testing where Treatment Participation is a Condition of Continued Employment.

Following the successful completion of the treatment program, as determined by the Department Director (or designee) in consultation with the treatment professionals, the employee may be subject to periodic, unannounced illegal drug screening for a period of one year. Confirmed positive results on such a check will be cause for discharge. Refusal of an employee to cooperate in any prescribed additional treatment and testing following initial successful completion of the treatment program will be cause for discharge

E. Treatment Costs

Participation in a treatment plan or program will be at the employee's cost, utilizing health insurance coverage where available (and provided the Employee is otherwise eligible). Employees who continue to work or have available sick leave benefits will remain in pay status during treatment until or unless such benefits expire (time off runs concurrently). Employees who do not have sick leave available and are required to undergo treatment without being allowed to work may be required to take an unpaid leave of absence pursuant to any restrictions or guidelines established for such leave at the time it is allowed. (Eligible employees also may receive FMLA time off for this purpose; see FMLA Policy for details.)

VII. ATTACHMENTS

Attachments Q1, Q2 and Q3 hereto shall be incorporated in this Policy.

VIII. DISCLAIMER

Like all Village policies, this Policy and our interpretative procedures are under constant review for legal and practical business reasons. We reserve the right to make changes from time to time and nothing in this Policy should be considered a guaranteed promise or contract with the Village. In the event of a conflict between a provision in this Policy and a term of an applicable collective bargaining agreement, the collective bargaining agreement will govern.