

VILLAGE OF MOUNT PROSPECT
PUBLIC WORKS DEPARTMENT

DRUG AND ALCOHOL TESTING POLICY
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INTRODUCTION

The Village of Mount Prospect Public Works Department, in response to the Federal Motor Carrier Safety Regulations Omnibus Transportation Employee Testing Act of 1991, has adopted this drug and alcohol testing policy.

The purpose of the act, which dictates this policy, is to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by employees who possess a Commercial Driver's License (CDL). The policy takes full form and effect on January 1, 1995 as required by this legislation for employers who have 50 or more employees who possess a CDL.

The Village of Mount Prospect Public Works Department follows the policies and procedures described in Part VII Department of Transportation (Federal Highway Administration) 49 CFR Parts 382, et. al -- Controlled Substances and Alcohol Use and Testing; Rule and Proposed Rule and Part III Department of Transportation (Office of the Secretary National Highway Traffic Safety Administration) 49 CFR Part 40 -- Procedures for Transportation Workplace Drug and Alcohol Testing Programs and Proposed Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids; Final Rule, Proposed Rule Notice.

DEFINITIONS

Alcohol means the intoxicating agents in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol concentration (content) means the alcohol in a volume of breath expressed in terms of grams of alcohol power in 210 liters of breath as indicated by an evidential breath testing under this section of the policy.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Commercial Driver's License (CDL) means a federally mandated program which requires drivers to have completed the proper written, pre-trip and road tests.

Confirmation test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation methods for cocaine, marijuana, opiates, amphetamines, and phencyclidine).

Controlled substances may also be referred to as drugs (illegal and prescription).

DOT means the agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing.

Driver means any a person who possesses a CDL. This includes, but is not limited to: Full time, regularly employed drivers who are directly employed by the Village of Mount Prospect. For the purposes of pre-employment/pre-duty testing only, the term **driver** includes a person applying for a position at the Village of Mount Prospect Public Works Department.

Employee Assistance Program (EAP) means a totally confidential employee benefit which provides no-cost assessment/referral services for employees. The EAP will be used as the Substance Abuse Professional for employees who test positive or refuse to be tested for drugs and alcohol.

Employer means the Village of Mount Prospect.

Medical Review Officer (MRO) means a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with her or her medical history and any other relevant biomedical information.

On-duty time means all the time an employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Performing (a safety-sensitive function) means an employee who is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function. Also referred to as working.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

- A. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement to appear for a breath test,
- B. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement to appear for a urine testing, or
- C. Engages in conduct that clearly obstructs the testing process.

Safety-sensitive function means any on-duty functions associated with public works department operations and/or driving a Village vehicle. Functions include inspections, maintenance, staying with a disabled vehicle, loading/unloading the vehicle or supervising such an activity. May be referred to as on-duty time or work.

Screening testing (also known as initial test) in alcohol testing, means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his/her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Substance abuse professional means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances and related disorders.

Village vehicle means a motor vehicle or combination of motor vehicles used to carry out the daily operations of the Village of Mount Prospect if the motor vehicle:

- A. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds or
- B. has a gross vehicle weight rating of 26,001 or more pounds or
- C. any other Village vehicle or equipment.

Violation rate means the number of drivers found during random tests given under this policy to have an alcohol concentration of 0.04 or greater, plus the number of drivers who refuse a random test required by this part, divided by the total reported number of drivers in the industry given random alcohol tests under this policy plus the total reported number of drivers in the industry who refuse a random test as required in this part.

Work/Working means the employee is considered to be performing a safety-sensitive function during any period which he/she is ready to perform, actually performing, or immediately available to perform any safety-sensitive function.

AFFECTED EMPLOYEES

All Public Works employees with a valid commercial drivers license.

PROHIBITIONS

Alcohol Concentration

No employee shall report for duty or remain on duty requiring the performance of a safety-sensitive function who has an alcohol concentration of 0.04 or greater, which is determined by a breathalyzer test. The Village will not knowingly permit an employee who has an alcohol concentration of 0.04 or greater to perform or continue to perform safety-sensitive functions.

Alcohol Possession

No employee shall be on duty or operate a Village vehicle while the employee possesses containerized beverage alcohol. The Village of Mount Prospect Public Works Department will not allow an employee to drive or continue to drive a Village vehicle while possessing alcohol. Alcohol on Village property is a violation of state law. Alcohol stored by an employee in a Village vehicle or on Village property is grounds for immediate dismissal.

On-duty Use

An employee shall not use alcohol while performing safety-sensitive functions. The Village will not permit an employee to perform a safety-sensitive function or continue to perform safety-sensitive functions while using alcohol.

Pre-duty Use

The Act states that the Village shall not permit an employee to perform safety-sensitive functions within four (4) hours after using alcohol while off the job.

Use following an Accident

An employee shall not use alcohol for eight (8) hours following an accident or until he/she undergoes a post-accident test, whichever comes first.

Refusal to submit to a required alcohol or controlled substance test

No employee shall refuse to submit to a post-accident alcohol and controlled substances tests, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test or a follow-up alcohol or controlled substances test. The Village will not permit an employee who refuses to take these tests to perform or continue to perform safety-sensitive functions.

Controlled substance use

No employee should report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee is under the influence of any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the individual that the substance (prescription) does not adversely affect the employee's ability to safely operate a Village vehicle.

The Village will not allow a CDL holder to perform or continue to perform a safety-sensitive function if he/she has knowledge that a controlled substance has been used.

Village employees may be required to inform the Village of any therapeutic (prescription) drug use.

Controlled substance testing

No employee shall report for duty, remain on duty or perform a safety-sensitive function, if the employee tests positive for controlled substances. The Act states that we cannot allow an employee to perform or continue to perform safety-sensitive functions after having tested positive for controlled substances. The Village will not permit an employee who refuses to take this test to perform or continue to perform safety-sensitive functions.

REQUIRED TESTS

There are six (6) instances under which drug and alcohol testing may be used. These instances include pre-employment, post-accident, random, reasonable suspicion, return-to-work, and follow-up testing.

Pre-employment Testing

Testing must take place prior to an applicant/employee performing a safety-sensitive function. An applicant/employee will not be allowed to perform safety-sensitive functions unless the alcohol test result indicates less than 0.04 and has received a controlled substances test result from an MRO verifying a negative test result.

If the alcohol content indicates 0.02 or greater but less than 0.04 the applicant/employee cannot be allowed by the Village to perform a safety-sensitive function. The Village shall not take any action under this policy against a individual based solely on the tests

results showing an alcohol concentration less than 0.04. This does not prohibit the Village from taking authority independent of this.

Post-Accident Testing

As soon as possible after an accident the Act states that the Village shall have an alcohol and controlled substances test performed on the employee when there is a fatality involved or the employee receives a written citation for violating a State of Illinois motor vehicle law.

- A. Alcohol Test
If not administered within the first two (2) hours following the accident the Village will prepare a record stating the reason why the test was not administered. The record will be maintained on file. If the test is not administered within an eight (8) hour period after the accident the Village will not attempt to have the test administered and will prepare a record stating the reason why the test was not administered. This record will also be maintained on file.
- B. Controlled Substance Test
If a controlled substances test is not administered within 32 hours following the accident the Village will cease all attempts to have the test performed. When this situation occurs the Village will complete a record stating the reason why the test was not administered. The record will be maintained on file.

The employee must be available at any time for the controlled substances and alcohol tests. Any delay in proceeding to have the test completed will be identified as a refusal to submit to testing. A refusal is considered a positive test result. This does not mean that the employee will be delayed from obtaining medical help if necessary, nor does it mean the employee can leave the scene of the accident in order to have the tests performed.

Random Testing

Alcohol

With the exceptions of the two previously mentioned tests (pre-employment and post-accident) the minimum annual percentage rate for each random testing for alcohol will be 25% of the number of CDL holders.

All affected employees will be placed in a pool from which random selections for testing will be made.

The Director will confidentially make an appointment to have the required number and type of tests performed at a medical facility under the direction of a medical doctor or doctor of osteopathy. All alcohol tests will be performed utilizing Evidential Breath Testing devices approved by the National Highway Traffic Safety Administration.

Separate selections for alcohol and controlled substance testing using a scientifically valid method such as a computerized random number generator and look-up table.

Every employee in the selection pool shall have an equal chance of being selected each time a drawing is made.

Random testing will be performed before, during, and after performing safety-sensitive functions

Selection for testing will be performed on a sufficiently random basis that employees will not know when testing is complete for the year nor when to anticipate the next selection.

A surplus of names will be generated so that another selection may be made in place of an employee who is temporarily absent.

The selection process may be witnessed as permitted by the Director. However, all witnesses are required to keep the selection process and results completely confidential.

When an employee is notified that they have been selected for testing they shall proceed to the testing center immediately.

A screening test for blood alcohol concentration will be performed utilizing an Evidential Breath Testing device.

If the blood alcohol concentration on the screening test is 0.02 or greater, a second test shall be conducted to confirm the blood alcohol concentration level.

If the blood alcohol concentration on the confirmation test is 0.02 or greater, the Director will be contacted immediately and advised of the results.

Any blood alcohol test showing a concentration less than 0.02 shall be considered a negative test.

The Director will be advised of all negative results.

Controlled Substances

With the exceptions of the two previously mentioned tests (pre-employment and post-accident) the minimum annual percentage rate for random testing for controlled substances will be 50% of the number of CDL holders. These percentages are subject to change on a yearly basis as defined by federal regulations. The new percentages will be enforced for random testing on January 1 of the calendar year.

Drug testing will analyze for the following drugs:

1. Marijuana (THC metabolite)
2. Cocaine
3. Amphetamines
4. Opiates (including heroin)
5. Phencyclidine (PCP)

All affected employees will be placed in a pool from which random selections for testing will be made.

The Director will confidentially make an appointment to have the required number and type of tests performed at a medical facility under the direction of a medical doctor or doctor of osteopathy.

Separate selections for alcohol and controlled substance testing using a scientifically valid method such as a computerized random number generator and look-up table. Every employee in the selection pool shall have an equal chance of being selected each time a drawing is made.

Random testing will be performed before, during, and after performing safety-sensitive functions

Selection for testing will be performed on a sufficiently random basis that employees will not know when testing is complete for the year nor when to anticipate the next selection.

A surplus of names will be generated so that another selection may be made in place of an employee who is temporarily absent.

The selection process may be witnessed as permitted by the Director. However, all witnesses are required to keep the selection process and results completely confidential.

When an employee is notified that they have been selected for testing they shall proceed to the testing center immediately.

Controlled substance testing will be conducted by analyzing the employee's urine specimen. The urine specimen will be divided into two (2) split-samples. Testing will be performed on one sample while the other is reserved for a split sample test, if necessary.

The first test will be a screening test to determine if any of the specified prohibited substances are present.

If the screening test is positive for one or more of the prohibited substances, then a confirmation test for each drug identified in the screening test will be performed on the remainder of the tested urine sample.

If the confirmation test is positive, the MRO will attempt to contact the employee and explain the results. The employee may request that the untested, split sample be tested to validate the results.

If the MRO cannot reach the employee within 72 hours, the Director will be contacted and advised of the results.

The Director will be advised of all negative controlled substance results.

Reasonable Suspicion

An employee will be required to submit to an alcohol and controlled substance test if supervisory personnel have reasonable suspicion that the employee is under the influence. Reasonable suspicion may be indicated by but not limited to the specific appearance, behavior, speech, body odors (breath), chronic and withdrawal affects on the employee.

Supervisory personnel will be trained to recognize the signs of misuse of alcohol and controlled substances, and will make the determination that reasonable suspicion exists. Training will include at least a 60 minute session on alcohol misuse and at least an additional 60 minutes on controlled substance misuse. Supervisory personnel will be taught how to recognize the physical, behavioral, speech and performance indicators of alcohol and controlled substance use.

When a supervisor has reason to believe that an employee has alcohol or controlled substances in their system, they will order the employee to report to Holy Family Medical Center for alcohol and/or controlled substances, as appropriate.

When a reasonable suspicion determination has been made, the employee must immediately stop any safety sensitive function(s) he/she may be performing, including operating or maintaining a commercial class vehicle, for at least 24 hours or until a negative test results is obtained, whichever comes first.

The supervisor will contact Holy Family Medical Center and advise them that the employee will be reporting for testing. A supervisor will escort the employee to the testing center.

Testing for alcohol reasonable suspicion should be performed within two (2) hours, but cannot be conducted if eight (8) hours have elapsed since the reasonable suspicion determination was made. A written report must be submitted to the Director explaining why the testing was not performed within two (2) hours. The report will be maintained on file.

Testing for controlled substances reasonable suspicion should be performed as soon as possible but not after 32 hours have elapsed since the reasonable suspicion determination was made. A written report is required if testing is not performed. The report will be maintained on file.

Supervisory personnel will fill out a written record (See Appendix B) of the observations which lead to a reasonable suspicion test. The written record must be submitted to the Director or authorized representative within 24 hours after the observed behavior or before the results of the test results have been released, whichever comes first.

Return-to-Work

Any employee who refuses to test for alcohol or controlled substances or records a blood alcohol concentration greater than 0.02 or tests positively for a controlled substance must submit to alcohol and controlled substance tests prior to returning to

duty. If the tests are negative, the employee will be allowed to return to work and be able to perform a safety-sensitive function.

Follow-Up Testing

Any employee who refuses to test for alcohol or controlled substances or records an alcohol concentration greater than 0.04 or tests positively for a controlled substance shall be subject to unannounced follow-up tests. Testing will be performed at least six (6) times in the first twelve (12) months following the employee's return to work and may extend to sixty (60) months in length. Six (6) unannounced tests within the first twelve (12) months following the employee's return to work are mandatory. Unannounced testing may be extended for up to sixty (60) months if requested by a substance abuse professional actively involved in helping the employee resolve an alcohol misuse or controlled substance abuse problem.

CONSEQUENCES OF REFUSED OR FAILED ALCOHOL OR CONTROLLED SUBSTANCES TESTS

Alcohol Tests

Alcohol Concentration 0.02 or Greater but Less Than 0.04

Any employee with a confirmation test blood alcohol concentration of 0.02 or greater but less than 0.04 shall be immediately suspended from work for at least 24 hours.

The employee must submit to a Return to Work alcohol test and record a blood alcohol concentration less than 0.02 before being allowed to return to work.

If not included in the random draw, the employee will automatically be added to the group of employees selected for each of the next four (4) unannounced random alcohol tests.

Any employee who has a confirmation test blood alcohol concentration of 0.02 or greater but less than 0.04 two (2) or more times within a twelve (12) month period will be suspended for at least five (5) consecutive work days but not more than ten (10) consecutive work days.

The employee must select a Substance Abuse Professional and submit to a professional analysis to determine if he/she has an alcohol misuse or controlled substance abuse problem. The employee is responsible for payment to the SAP and any subsequent counseling or rehabilitation.

The employee must sign a release authorizing the Village to provide test results to the selected SAP as well as a release authorizing the SAP to report back to the Director.

The selected SAP will report back to the Director that the employee:

Does not require any help in dealing with an alcohol misuse or controlled substance abuse problem. If the Director receives this report, the employee will be immediately returned to duty.

The employee requires continued counseling and rehabilitation, and is cooperating with these efforts.

CONFIDENTIALITY, HANDLING OF TEST RESULTS AND RECORD RETENTION

Confidentiality and Handling of Test Results

The Village of Mount Prospect will maintain records of alcohol use and controlled substances use prevention programs and test results. The Village will not release any CDL information except as required by law. The records will be maintained in a secured location with controlled access. The Village Manager, Director of Public Works or designated individual will have access to records of results relating to this policy. Scrutiny of these records is not permitted under the Freedom of Information Act.

An employee is entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol and/or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. The Village will promptly provide the records if requested in writing by the employee. Employee access to their records shall not be contingent upon payment for records other than those specifically requested.

Records will be made available to subsequent employers or an individual only upon written request from the employee.

The MRO will notify the Village, via the form of communication stated by the Village, of the test results. In all instances the MRO will forward a signed, written notification of the results of the alcohol and/or controlled substances tests within three (3) business days after the completion of the MRO's review.

The MRO will maintain all dated records and notifications, identified by employee name, for a minimum of five (5) years for the verified positive alcohol and controlled substances test results and a minimum of one (1) year for negative and canceled alcohol and controlled substance test results. The MRO is not permitted by this policy to release any test results without the written consent of the employee. However this does not prohibit officials of the Secretary of Transportation, any DOT agency, or any State of Illinois officials from obtaining test results.

The Village will notify an applicant about the results of the pre-employment alcohol and controlled substances tests results if the applicant requests such results within sixty (60) calendar days of being notified of the date of disposition of the employment application. The Village will notify the employee of the results of the random, reasonable suspicion and post-accident test for alcohol and controlled substances tests if the test results are verified as positive.

The Village will make reasonable efforts to contact and request each employee who submitted a specimen, to contact and discuss positive test results for alcohol and controlled substances with the MRO. If the MRO has difficulty in communicating the results of the tests with the employee, the Village will inform the employee they have 24 hours to contact the MRO. The MRO will be informed that the employee has been notified to contact them within 24 hours.

The Village does reserve the right to obtain, with the applicant's written consent, any information mandated by this regulation from the applicant's previous employer. The release of this information may take place in the form of personal and telephone interviews and/or letters or any other method of obtaining information that ensures confidentiality.

The Village of Mount Prospect, with written consent, will release or obtain information regarding the employee/applicant's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two (2) years. The information will be distributed to the other employer no later than fourteen (14) calendar days.

The Village may not permit an employee to perform safety-sensitive functions if the Village obtains information on the employee's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result or refusal to be tested, by the employee, without obtaining information from a substance abuse professional evaluation and/or determination based on records related to evaluations and return-to-duty testing.

Record Retention

Listed below are the retention rates for documentation.

- A. One-Year Retention - Results of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.
- B. Two -Year Retention - Records related to the alcohol and controlled substances collection process (except calibration of the BAT device) and training. These records will be maintained by our designated medical center.
- C. Five-Year Retention - Records of employees' alcohol test results indicating an alcohol concentration of 0.02 or greater:
 - (1) Records of employees' verified positive controlled substance tests
 - (2) Calibration documentation - maintained by our designated medical center.
 - (3) Documentation of refusals to take alcohol and/or controlled substances tests.
 - (4) Employee evaluations and referrals.
 - (5) Annual calendar year summary of the results of the alcohol and controlled substances testing performed. Calendar summary will be completed for the previous year by March 15.

The Department of Transportation or the National Transportation Safety Board may request any information the Village of Mount Prospect has in regards to this regulation/policy. If the Village of Mount Prospect receives a request for information it has forty-eight (48) hours to have the information available for review.

INFORMATION, TRAINING, AND REFERRAL

As stated earlier in this document supervisory personnel will receive training of at least 60 minutes on how to recognize the signs of alcohol use/abuse and an additional 60 minutes on how to recognize the signs of controlled substance abuse. If the supervisor feels the employee's behavior warrants alcohol and controlled substances tests they may send the employee for testing. Should the test results be returned with positive results the employee will have the chance to speak with the MRO to relay any reasons for such results. After the results have been given to the Village, the Village may invoke the use of the Drug Free Workplace Policy - Administrative Order A-7.

Under these circumstances and even if the employee is discharged under the Federal Motor Carrier Safety Regulations Omnibus Transportation Employee Testing Act of 1991 the Village is obligated to send the employee to the EAP for a consultation with a substance abuse professional or medical doctor or doctor of osteopathy. The professional will evaluate the employee or former employee and determine the extent of the use/abuse and will recommend some form of treatment.

DISCIPLINE

If an employee loses their CDL they must have a 24-hour judicial driving or other court ordered permit within 30 days or be terminated.

THE LAW AND CDL HOLDERS

CDL Holders Responsibility

As one of the requirements of this policy all CDL holders must have a current copy of their CDL on file with the Public Works Department. If an employee allows their CDL to expire they will have thirty (30) days from the date of the expiration to obtain their CDL or face dismissal.

General Requirements

Illinois requires proof of insurance while operating a vehicle. Based on this law, the Village provides insurance coverage for all Village vehicles. A driver not having insurance while operating a personal vehicle is in violation of State law. If an employee loses his/her CDL for not having personal insurance, he/she must report such loss to his/her supervisor within one working day of the notification of the loss. The employee will have thirty (30) days from the date of the loss to regain their CDL.

Village policy states that if you do not have your license in 30 days you will be terminated.

An employee must notify their supervisor of any suspension, revocation, or cancellation or their driving privileges, and any disqualification or out of service action, within one

working day of the notification of such action. To notify the Public Works Department, the employee shall complete a "Commercial Driver's License Suspension Notification" (See Appendix C). The form should be completed and returned with a copy of the action notice to your Superintendent.

Traffic Violations and Convictions

In Illinois state law a CDL holder has thirty (30) days from the date of conviction to report any traffic convictions (in-state or out-of-state) to the Mount Prospect Public Works Department. Under the Village's CDL policy an employee convicted of any traffic violation shall report such a conviction to their Superintendent within 24 hours of the conviction. To report either an in-state or out-of-state traffic conviction, the employee shall complete a "Commercial Driver's License Traffic Conviction Notification" form. The form should be completed and returned with a copy of the conviction notice to the employee's Superintendent.

Serious traffic violations while operating a Village vehicle may result in temporary or lifetime disqualification for CDL holders. Traffic violations include exceeding the speed limit by more than 15 miles per hour, reckless driving, following too closely, illegal lane usage, and any traffic violation connected with a fatal accident. If any two of these violations occur in a three-year period the result will be a 60-day disqualification of the driver. Three serious violations within a three-year period will result in a 120-day disqualification. If the employee loses his/her CDL due to a violation and is not reinstated within 30 days they are subject to dismissal.

All CDL holders should note that any serious traffic violations that occur while operating a non-Village vehicle can also result in a disqualification of your CDL license.

Alcohol Violations

Under Illinois law all drivers operating a vehicle on highways automatically give their consent to submit to tests which determine the blood alcohol level while driving. The legal blood alcohol concentration (BAC) is 0.08 for all Illinois drivers. However, since April 1, 1992, the legal BAC for CDL holders is 0.04. Any CDL holder found to have any alcohol in their system must be placed out of service for at least 24 hours without pay.

A CDL holder who commits the following violations shall be disqualified, under Illinois law, for at least 12 months for the first incidence of:

1. Refusing to submit to, or failure to complete a breathalyzer test.
2. Operating a Village vehicle with a blood alcohol concentration of 0.04 or greater.
3. Conviction (no matter what the BAC reading is) of driving under the influence.

Any driver committing a second violation of any of the above listed offenses, arising from two or more separate incidents, is disqualified from a CDL for life. **Alcohol related convictions that occur in non-Village vehicles may also result in the disqualification of your CDL.**

Other Offenses

A conviction for other violations, such as the ones listed below, can also lead to a disqualification of your CDL for at least 12 months. The violations are listed below.

1. Knowingly and willfully leaving the scene of an accident while operating a Village vehicle.
2. Committing a felony while operating a Village vehicle.

A conviction for the violations listed below will result in the lifetime disqualification of your CDL.

1. A second violation of either of the two (2) offenses listed above, or a combination of the alcohol violations listed on the previous page.
2. The use of a Village vehicle in the commission of a felony involving the manufacturing, distributing or dispensing a controlled substance.

Also note, committing any of the violations listed in the last two (2) paragraphs, while driving a non-Village vehicle, may also result in the suspension of your CDL.

HOW THIS LAW AFFECTS PUBLIC WORKS

Q: How and when will CDL holders be chosen for testing?

A: A computer program has been written to randomly choose individuals who will be tested. The employees will be chosen by their social security number. Testing will take place on a quarterly basis and test dates will be unannounced. For pre-employment, random, return-to-work and follow-up testing the tests will be taken during normal working hours. Post-accident and reasonable suspicion testing will depend on when the accident or incident occurred. If the accident/incident occurs during normal working hours then that is when the employee will be tested, if the accident/incident occurs during overtime/callout hours then tests will be administered within the guidelines stated in this policy.

Q: What happens if I refuse to be tested?

A: If you refuse to be tested your response will be considered a positive test result and you will face potential disciplinary actions which may be up to and including termination. You will also have to see a substance abuse counselor through the Village's EAP.

Q: What happens if I test positive?

- A:
- 1) The Village is required to remove the CDL holder from any safety-sensitive functions the employee may be performing. This may include immediate suspension without pay. Employee will have 72 hours to request that the second sample be sent to a second laboratory for testing at the employee's expense.
 - 2) An investigation on how, when, and where the employee obtained the alcohol and/or controlled substances will take place. The investigation will include examining legitimate reasons for the failed test(s) and if there is a possibility of an addiction disability.
 - 3) The employee will be questioned. The employee may have union representation with them during questioning. The representative cannot answer questions for the employee.
 - 4) The employee is subject to a due process hearing where they are informed of the charges and the evidence supporting these charges. The employee has a right to be heard in this hearing.
 - 5) A final decision must be made as to the future employment status of the employee.

Q: What happens to the employee after the investigation, administrative review, and the issuance of a final decision?

A: Based on strict interpretation of this regulation that even if the Village terminates the employee the Village must send the former employee to the EAP for an evaluation and diagnosis by a certified addictions counselor or Medical Doctor or Doctor of Osteopathy.

Q: What happens if an emergency callout is made and I inform the caller that I have been drinking? How does this affect callout reporting?

A: Village policy states that we may not count the admission of drinking against you if you tell the caller that you have been drinking within the last four (4) hours. You tell us when you'll be ready for a safety-sensitive function and when you'll be in. If you cannot be in to work within the amount of time required by the job you will be notified that we'll contact someone else. Notification that we will have to contact someone else may be immediate.

- Q: If I have a cold and have taken non-prescription medication which may possibly affect the test results should I inform the testing facility of this immediately or do I wait until the tests results are returned to the Village?
- A: It is the Village's position that an employee may have the opportunity to speak with an MRO before a positive test result is issued. If the employee has taken medication like decongestant, etc. it may explain the positive test results.
- Q: How will supervisory personnel know what signs indicate a need to have a reasonable suspicion test performed?
- A: Public Works employees will receive a one (1) hour training course on alcohol and controlled substance use and misuse as required by law. Supervisory personnel will receive additional training on how to recognize the signs of alcohol and controlled substance use and/or misuse. There is a form (Appendix B), which must be filled out within 24 hours of the person witnessing the behavior that is the justification for having the employee go for testing.

APPENDIX

REASONABLE CAUSE DOCUMENTATION

Prepare this form every time a driver is suspected of alcohol and/or drug use by actions, appearance or conduct, which constitutes a major change in a person's appearance and behavior.

Driver's Name _____

Date of Observation _____

Time of Observation: From _____ am/pm To _____ am/pm

Location _____

OBSERVED BEHAVIOR - CIRCLE ALL APPROPRIATE ITEMS**SPEECH**

Thick Incoherent
Rapid Excessively Talking
Slurred

BALANCE

Unsteady
Swaying
Falling

WALKING

Stumbling
Staggering
Grasping for support

EMOTIONAL INDICATORS

Depression Withdrawal
Anxiety Moodiness
Alienation Irritability

POSSIBLE PHYSICAL INDICATORS

Pupils dilated Rapid breathing
Chronic redness of the eye Tremors
Noticeable weight loss Loss of appetite

Other abnormal behavior observed: _____

To the best of my knowledge and belief, this report represents the appearance, behavior and/or conduct of the above-named driver, observed by me, and upon which I base my decision to require said driver to submit to Reasonable Suspicion Drug and Alcohol Testing.

Above behavior witnessed by:

SIGNATURE OF SUPERVISOR

DATE

This copy to be filed in Employee Drug Testing Program File.

**Village of Mount Prospect, Illinois
Public Works Department**

Request for Alcohol/Controlled Substances Test Results

I, _____ (please print your name), grant the Village of Mount Prospect permission to (circle one):

RELEASE

OBTAIN

information regarding the following items:

- 1) Alcohol concentration test results of 0.04 or greater,
- 2) positive controlled substances test results, and
- 3) refusal to be tested

for the preceding two (2) years.

Signature

Date

Party requesting information acknowledges that this information is confidential and not for public disclosure.

-----Official Use-----

Name and title of Director or Deputy Director receiving form

Time, date and date form received

Name and title of administrative personnel mailing information

Date information was mailed to requesting party

**Village of Mount Prospect, Illinois
Public Works Department**

**Commercial Driver's License
Suspension Notification Form**

This form is to be completed by an employee of the Village of Mount Prospect Public Works Department who is required to hold a CDL in order to operate a Village vehicle and loses their CDL driving privileges. The completed form must be submitted to the Director or Deputy Director of Public Works within twenty-four (24) hours after receiving any suspension, revocation, cancellation, lost privilege, or disqualification of a CDL.

Driver's full name _____ Today's date _____

Driver's license # _____

Penalty received (circle one):

SUSPENSION REVOCATION CANCELLATION
LOST PRIVILEGE DISQUALIFICATION

Part of your license affected (circle one):

BASIC DRIVING PRIVILEGES CDL PRIVILEGES BOTH PRIVILEGES

Date the notice of loss of CDL driving privileges received

Date CDL driving privileges will be restored

If applicable, date basic driving privileges will be restored

Specific offense or violation upon which loss of CDL driving privileges is based:

(Attach a copy of the notice and applicable summons, ticket, or citation issued)

Was this offense or violation committed in a Village vehicle? (circle one): YES NO

Please sign your name _____ Date _____

NOTE: Employee's signature is required. Signature indicates that employee has reviewed this document and understands it. It does not necessarily imply agreement.)

-----Official Use-----

Name and title of official receiving form

Time, date and date form received

**Village of Mount Prospect, Illinois
Public Works Department**

**Commercial Driver's License
Conviction Notification Form**

This form is to be completed by any employee of the Village of Mount Prospect Public Works Department who is required to hold a Commercial Driver's License (CDL) in order to operate a Village vehicle and loses CDL driving privileges. The completed form must be submitted to the Director or Deputy Director of Public Works within twenty-four (24) hours of the conviction of an out-of-state traffic violation or before the end of the next working date following the day of conviction of an Illinois traffic violation.

Driver's full name _____ Date _____

Driver's license # _____

Location in which offense or violation occurred (circle one):

OUT-OF-STATE

IN-ILLINOIS

Date of violation _____ Date of conviction _____

Specific traffic offense or violation for which you were convicted

(Attach a copy of the summons, ticket or citation issued)

Location in which offense or violation occurred (City)

(County)

(State)

Was this offense or violation committed in a Village vehicle? (circle one): YES NO

Penalty imposed

Please sign your name _____ Date _____

(NOTE: Employee's signature is required. Signature indicates that employee has reviewed this document and understands it. It does not necessarily imply agreement.)

-----Official Use-----

Name and title of official receiving form

Time, date and date form received
