

## 4.18 DRUG-FREE AND ALCOHOL-FREE WORKPLACE

It is the policy of the Library District that its employees be aware of the dangers of drug and alcohol abuse and that the Library District's properties be drug-free and alcohol-free.

### A. WORK RULES

1. Whenever employees are working or operating Library District vehicles, they are prohibited from:
  - using, possessing, distributing, buying, selling, manufacturing, or dispensing illegal drugs;
  - being under the influence of alcohol or illegal drugs or having the presence in one's system of a detectable amount of an illegal drug; and
  - possessing or consuming alcohol.
2. This Policy does not prohibit employees from the lawful use (use must be lawful in accordance with both federal and state law) and possession of prescribed medications. Employees are responsible for consulting with their doctors about a medication's effect on their ability to work safely, and promptly disclose any restrictions to their supervisor. In the event an employee fails to report such restrictions and creates a safety threat, neither a physician's prescription nor other medical reason will be an acceptable excuse for being in violation of this policy. Employees should not, however, disclose underlying medical conditions unless specifically directed to do so.

### B. EMPLOYEE ASSISTANCE

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

### C. REQUIRED TESTING

1. Reasonable Suspicion: Employees are subject to testing if a supervisor reasonably suspects them of using or being under the influence of alcohol or drugs while they are working or operating Library District vehicles.
2. Post-Accident: Employees are subject to testing when they cause or contribute to accidents which seriously damage a vehicle or Library District machinery or equipment, or result in an injury requiring emergency medical treatment away from the scene of the accident. Employees will be tested under these circumstances when a member of management has a reasonable belief that the use of drugs/alcohol contributed to the accident/injury.

3. Return to Duty and Follow-Up: Employees who have tested positive or violated this Policy, and who are not terminated or are reinstated, are subject to testing prior to being returned to duty. Follow-up testing at times and frequencies determined by the Library District may also be required for up to three (3) years.

#### **D. COLLECTION AND TESTING PROCEDURES**

Employees subject to alcohol testing shall be sent or driven to a Library District-designated clinic and directed to provide breath specimens. Specimens shall be collected by trained technicians, using federally approved testing devices, which are regularly calibrated and capable of producing printed results that identify the employee.

Applicants and employees subject to drug testing shall be sent or driven to a Library District-designated clinic and directed to provide urine specimens. Applicants and employees may provide split specimens and may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens shall be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiate, amphetamine and PCP use. There shall be a chain of custody from the time specimens are collected through testing and storage.

The laboratory shall transmit positive drug tests results to a doctor called a medical review officer ("MRO"), retained by the Library District, who shall offer persons with positive results a reasonable opportunity to establish that their results are caused by lawful (under both federal and state law) prescribed medicines or other lawful substances. Persons with positive test results may also ask the MRO to have their split specimen sent to another federally certified lab, to be tested at the employee's or applicant's own expense. Such requests must be made within three (3) working days of notice of test results. If the second lab fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test.

#### **E. CONSEQUENCES**

1. Employees who refuse to cooperate in required tests, test positive for illegal drugs or use, possess, buy, sell, manufacture or dispense illegal drugs in violation of this Policy will be terminated.
2. Unless aggravating circumstances are present, the first time employees test positive for alcohol or possess, consume or are under the influence of alcohol, they will be suspended and referred to the Library District's Employee Assistance Program (EAP). Continued employment and/or reinstatement will be conditioned on cooperation with the EAP, successful completion of any prescribed treatment, passing follow-up tests and other appropriate conditions.
3. Employees who test positive for alcohol more than once or otherwise violate this Policy's alcohol rules more than once will be terminated.

#### **F. CONFIDENTIALITY**

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the MRO shall be kept confidential and maintained in secure files separate from normal personnel files. Such records and information may be disclosed

among managers and supervisors on a need to know basis and may be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

## **G. DEFINITIONS**

**"Library District Premises"** includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, places and vehicles owned, leased or managed by the Library District.

**"Illegal Drugs"** means substances (1) that are illegal under state or federal law; or (2) whose use or possession is controlled by federal or state law, but are not being used or possessed under the supervision of a licensed health care professional. This definition includes, but is not limited to, marijuana (including medical marijuana), cocaine, PCP, heroin, LSD, amphetamines, and barbiturates.

**"Refuse to Cooperate"** means to obstruct the collection process, to submit an altered, adulterated or substitute sample, or to fail to promptly provide specimen(s) for testing when directed.

**"Under the Influence of Alcohol"** means an alcohol concentration of .04 or more, or actions, appearance, speech or bodily odors which reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

**"Under the Influence of Drugs"** means a confirmed positive test result for illegal drug use.

## **H. NOTIFICATION OF DRUG CONVICTION**

All employees are required to notify a member of management if they have been convicted of a criminal drug offense occurring in the workplace. Such notification must take place within five (5) working days after the conviction.

## **I. MISCELLANEOUS**

This Policy is not a contract of employment and may be modified by the Library District at its sole discretion. To the extent non-employees, who are present on Library District premises, engage or appear to have engaged in conduct that would violate this Policy if engaged in by an employee, such non-employees will be barred from Library District premises.

*Adopted by the Niles Public Library District Board of Trustees 7.1.92  
Revised 8.20.08; 12.14.16*