



Illinois Heartland Library System

MEMO TO: IHLS Board of Directors
FROM: Leslie M. Bednar
DATE: December 10, 2019
RE: Draft Drug Free Workplace Policy and Updates

Attached please find the most recent draft of our Drug Free Workplace Policy. At their December 5, 2019 meeting, the Personnel Committee moved the draft to the full board for approval.

Please note the draft includes additional language highlighted for your consideration. The language changes come from the Personnel Committee and from a board member's careful read of the document.

In addition, we have several updates to share:

- Governor Pritzker recently signed SB1557 (Public Act 101-0593) which amends the Cannabis Regulation and Tax Act by reducing employer liability regarding drug testing. Of course, the legislation is not yet in force and the actual legal interpretation(s) may change our procedures *again* once we have a body of case law in place.
- All IHLS supervisory staff will attend mandatory on-site training in January. Our joint understanding and application of the policy and related procedures will contribute to successful implementation and a continued good working environment for all of our colleagues.
- IHLS stakeholders have responded to our request for comments posted earlier this month regarding the draft policy. You can view comments as they are submitted in real time [here](#).

Thank you.

IMAGINING TOMORROW ~ DELIVERING POSSIBILITIES TODAY!



Purpose/Objective

Illinois Heartland Library System is committed to providing and maintaining a workplace that is safe and productive. We adhere to the Illinois Drug Free Workplace Act (30 ILCS 580), Cannabis Regulation and Tax Act (410 ILCS 705/) as well as the Drug-Free Workplace Act of 1988 (41 USC 81). Alcohol and drug abuse pose a threat to the health and safety of Illinois Heartland Library System employees and the security of the organization's equipment and facilities. For these reasons, Illinois Heartland Library System (IHLS) is committed to the elimination of drug and alcohol use in the workplace.

This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to a representative of Human Resources. The matter will be discussed with Human Resources ~~and you~~ and the employee. ~~and/or your~~ and/or the employee's supervisor may be included in the discussion to determine what job modifications can be made that will enable ~~you~~ the employee to safely and satisfactorily perform ~~your~~ their essential job duties while taking the medication. ~~or whether~~ whether time off work is necessary ~~will be,~~ will be, depending upon all relevant factors such as the nature of ~~your~~ their job duties, how long ~~you~~ the employee will need to take the medication and ~~exactly~~ exactly what restrictions are in place.

IHLS may consider an employee to be under the influence of cannabis in the presence of a good faith belief that an 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; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.

All employees are prohibited from manufacturing, distributing, dispensing, possessing or using illegal drugs or intoxicating substances while on Illinois Heartland Library System property. This includes parking areas and grounds or while performing work duties assigned by IHLS. Off-duty alcohol or marijuana usage is not prohibited by this policy. However, employees must be aware of any potential effect off-duty alcohol or marijuana consumption may have on their judgment or ability to perform the essential functions of her or his job.

Notification of Impairment

Each employee will be responsible for reporting any observations of impairment. Every employee who observes or has knowledge of another employee in an impaired state or who presents a hazard to the safety and welfare of others should promptly report the issue to his or her immediate supervisor. (Reporting can occur via anonymous whistleblower email account. See Enforcement, below.)

Employees are subject to testing based on (but not limited to reports, and observations) by at least two members of management of apparent workplace use, possession or impairment. The Human Resources department (HR) should be consulted before **any** employee is sent to a facility for testing. Management must use the Reasonable Suspicion Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence. Examples include:

- Odors (including the smell of alcohol).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. If the employee is to be tested for the presence of marijuana, the IHLS will give the employee the opportunity to contest the basis of the determination that he is under the influence of cannabis or impaired by cannabis before being subjected to testing.

Refusal by an employee to undergo testing when directed to do so by management will be treated as a positive drug test result and will result in disciplinary action up to and including termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for transportation and arrange for the employee to be transported home.

Enforcement

Illinois Heartland Library System may investigate potential violations and require employees to undergo drug/alcohol screening, including urinalysis, blood tests or other appropriate tests. Searches of all areas of Illinois Heartland Library System's physical premises, including work areas, desks, workstations, and company vehicles may be conducted where appropriate.



Employees who refuse to cooperate with searches or investigations, refuse to submit to screening or fail to execute consent forms when required by Illinois Heartland Library System will be subject to disciplinary action up to and including termination. If an employee has concerns about any co-worker being under the influence or impaired by drugs or alcohol, the employee may report these concerns anonymously using the whistleblower email address provided to employees, which goes directly to the Executive Director. The matter will be handled in a manner consistent with IHLS policy.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the organization will be kept confidential to the extent required by law 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 also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damages an IHLS vehicle or property or that result in an injury to themselves or another employee requiring offsite medical attention. The investigation and subsequent testing will take place within two hours following the accident, if not sooner. If an employee refuses to be tested, this action will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for transportation and arrange for the employee to be transported home.

Cut-Off Levels

Any employee with alcohol test results indicating a BAC (blood alcohol concentration) of .02 or greater will be considered to have a positive alcohol test. For drug screens, the testing will include an initial test. If that initial test indicates the presence of any illegal drugs (including marijuana), a confirmatory test will be conducted on the same sample. The cut-off levels for drugs for both the initial and confirmatory tests will be the cut-off levels used for testing employees who are covered by Department of Transportation regulations. A positive test for any illegal drugs at these cutoff levels will be considered a positive test.

Consequences

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet IHLS believes he or she is impaired, under **no** circumstances will the employee be allowed to drive himself or herself home.

Employees will be paid for time spent in alcohol or drug testing and removed from the work scheduled pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative, the employee will return to active work duty. Should the test results be positive, the employee will be subject to disciplinary action, up to and including discharge from employment.

Under the Drug-Free Workplace Act of 1988 which covers IHLS as a federal grantee, the unlawful manufacture, distribution, dispensing, or use of a controlled substance is prohibited in IHLS's workplace. Violation of this prohibition will result in discharge. As a condition of employment, employees are required to abide by the terms of this policy and to notify the Executive Director or the HR Representative within five (5) calendar days if he or she is convicted for a violation of a criminal drug statute which occurred in the workplace.

Drug-Free Awareness

Alcohol abuse and the use of illegal drugs are serious workplace problems. Nearly three fourths of those who use illegal drugs also work, and alcohol remains the leading drug of abuse as one in every ten people in the United States has a problem with alcohol. People often do not leave their drug and/or alcohol problems at home and bring them into the workplace. Substance abuse can affect all segments of the workforce ranging from employees with repetitive tasks to managers under stress.

Dangers of drug abuse in the workplace include decision making issues: Employees who use alcohol and/or drugs often make poor decisions and have a distorted perception of their ability and/or reality. The impact of drug and/or alcohol use in the workplace can result in reduced innovation, reduced creativity, reduced competitiveness and poor daily and strategic decision making. The presence of an employee with drug and/or alcohol problems places a strain on relationships between co-workers. Organizations that appear to condone drug and/or alcohol use create the image that the organization does not care about its employees, the quality of its work, or the success of the organization. The impact of this can include higher turnover, diminished quality of work, and reduced team efforts. Substance abusers tend to neglect their nutrition, sleep, and other health needs, and substance abuse also suppresses the immune system. The impact of this can be a higher health benefit usage, increased use of sick time, as



well as more absenteeism and tardiness. Substance abuse also results in employees being physically and mentally impaired on the job. Substance abuse interferes with job satisfaction and motivation to do a good job, which results in reduced output, increased errors in work, lower quality work and, ultimately, reduced customer satisfaction.

Employee Assistance

Illinois Heartland Library System makes an Employee Assistance Program available to all employees. We encourage any employee who believes he or she has issues with drug and/or alcohol use to contact a representative of Human Resources to get information about this program before the employee violates this policy. Illinois Heartland Library System will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other IHLS policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge.

Entrance into a treatment program does not relieve an employee of the obligation to satisfy Illinois Heartland Library System's standards regarding employee performance, and participation will not prevent Illinois Heartland Library System from administering discipline for violation of its policies. Working within this program does not relieve the employee of his or her responsibility to perform his or her job in a safe and efficient manner. Illinois Heartland Library System may require any employee who has gone through substance abuse treatment to be evaluated by a company-selected physician before being allowed to return to work.

Approved