

VILLAGE OF BLOOMINGDALE
SUBSTANCE ABUSE POLICY,
PROGRAM AND PROCEDURES

November 14, 2006

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I. **Statement of Policy**

Purpose and Goals

While it is difficult to estimate the precise cost to society from substance abuse, there is no doubt that the cost is enormous. The potential effects of substance abuse are substantial in terms of lives lost, personal injuries, property damage, business losses, productivity, absenteeism, and increased health care costs. It is believed that the implementation of this program will help discourage substance abuse and reduce absenteeism, accidents, health care costs and other drug and alcohol related problems. Further, it is expected that a substance abuse testing program will operate as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently misuse drugs or alcohol. Finally, it is anticipated that this program will enhance the safety and health of our employees by fostering the early identification and referral for treatment of workers with substance abuse problems. In order to achieve the goal of ensuring a drug and alcohol-free workplace, as well as to comply with requirements of the Drug-Free Workplace Act of 1988 and the Illinois Drug Free Workplace Act, the Village of Bloomingdale has implemented this Substance Abuse Policy, Program and Procedures.

Substance abuse by Village employees creates an unacceptably dangerous work environment, results in unproductive work days and sick leave abuse, and generally creates a risk to the safety and well-being of all employees and the citizens we serve. The Village also believes that the citizens of our community 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 substance abuse.

The Village of Bloomingdale hereby establishes the following Policy regarding substance abuse including screening and treatment programs applicable to all employees and potential employees of the Village, in addition to all Commercial Driver's License (CDL) drug and alcohol testing policy requirements.

II. **Definitions**

- A. **Adulterated Specimen:** A specimen that contains a substance not expected to be found in human urine, or contains a substance expected to be present but is at such a concentration that it is not consistent with human urine.
- B. **Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- C. **Alcohol use:** The ingesting, inhaling, or injecting of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
- D. **Alcohol concentration (or content):** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

- E. **Canceled Test:** A drug or alcohol test that has a problem or cannot be considered valid. A canceled test is neither a positive nor a negative test.
- F. **Controlled Substances:** A controlled substance is defined as any drug or chemical substance whose use, possession, manufacture, or distribution is prohibited by federal or state law. The Village will test for the drug and drug metabolites included in the following drug classes:
 1. Marijuana
 2. Cocaine
 3. Opiates
 4. Amphetamines
 5. Phencyclidine (PCP)
- G. **Dilute Specimen:** A specimen with creatinine and specific gravity values that are lower than expected for human urine.
- H. **Drugs:** Any drug not legally obtainable (including controlled substances), and/or, if legally obtainable, was not legally obtained, nor used for prescribed purposes, nor taken according to prescribed or manufacturer dosages or directions.
- I. **Drug Policy Coordinator (DPC):** The individual assigned to administer this Policy. The DPC is the Village Human Resources Director.
- J. **Employee:** All Village employees in addition to all employees of a grantee/contractor (with 25 or more employees) that are directly engaged in the specific performance of work pursuant to a federal grant in excess of \$25,000 or State of Illinois grant in excess of \$5,000.
- K. **Employee Assistance Program (EAP):** An independent third party service provider selected by the Village that assists and coordinates counseling and treatment with the Substance Abuse Professional (SAP) and DPC.
- L. **Medical Review Officer (MRO):** A licensed physician with knowledge of substance abuse disorders who is designated by the Village to receive and interpret laboratory test results. The MRO shall have the appropriate medical training to interpret and evaluate test results.
- M. **Split Specimen:** In drug testing, a part of the urine specimen that is sent to the laboratory and retained unopened in secure storage until the employee whose test is positive, adulterated or substituted, requests that the specimen be transferred to a second laboratory for re-confirmation.
- N. **Substance Abuse:** Use or misuse of illicit drugs, unauthorized prescription drugs, alcohol or controlled substances.
- O. **Substance Abuse Professional (SAP):** A licensed substance abuse counselor assigned to the employee's case by the Village, to maintain contact with the employee, their treatment provider, and the Village.

- P. Substituted Specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are inconsistent with human urine.
- Q. Workplace:** Village workplaces include Village property, including parking lots and driveways, any worksite throughout the Village, Village-owned vehicles, and any private vehicles parked on Village premises. Any employee using a Village vehicle is considered to be in the workplace for the purpose of this Policy.

III. Drug and Alcohol Free Workplace

- A.** This Policy is issued pursuant to the Drug-Free Workplace Act of 1988, the Illinois Drug Free Workplace Act, and applicable federal and state laws and regulations.
- B.** Employees may not unlawfully manufacture, distribute, dispense, possess or use illicit drugs, unauthorized prescription drugs, alcohol or controlled substances on the premises of any Village workplace. An employee may not report for duty or remain on duty if he/she is under the influence of or impaired by substance abuse. Pursuant to Section XIV (Discipline) the Village will discipline up to and including dismissal any employee who is found to be in violation of this Policy.
- C.** An employee who has been prescribed drugs or is taking over-the-counter medication should consult with his/her doctor or pharmacist about the medication's effect on the employee's ability to perform his/her job safely, and should immediately disclose to his/her supervisor any medication-related work restrictions. The employee need not disclose the underlying medical condition or medication but must disclose job-related restrictions. More information about medication is found in Section VII C. Prescribed and Over the Counter Medication.
- D. Notice of Workplace Convictions:** Any Village employee who is convicted of violating in the workplace any federal or state criminal drug or alcohol statutes or local ordinances must notify the Human Resources Director within five (5) days of such conviction. For purposes of this notice requirement, a conviction includes:
 - 1. a finding of guilty
 - 2. a no-contest plea
 - 3. and/or imposition of an entrance by a judicial body or any violation of criminal statute involving the unlawful manufacture, distribution, dispensation, possession or use of drugs or alcohol.

Employees who voluntarily notify the Village of Bloomington of any such conviction may be subject to discipline, up to and including dismissal, depending on the severity of the conviction. Each case will be reviewed by the Department Director, the Human Resources Director, and the Village Administrator.

Employees who do not voluntarily notify the Village of Bloomington of any such convictions will be subject to discipline up to and including dismissal.

Pursuant to the Drug-Free Workplace Act, the Village will notify the appropriate federal or state agency within ten (10) days after receiving such notice from an employee or otherwise receiving notice of such a conviction.

IV. Notifications

- A. **Non-Discrimination:** The Village of Bloomingdale does not discriminate against employees or applicants who are qualified individuals with a disability who are not currently engaged in substance abuse and who do not otherwise violate the provisions of this Policy, including but not limited to individuals who: 1) have successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or 2) have otherwise been rehabilitated successfully and are no longer engaging in such use.
- B. **Laws & Regulations:** The Village of Bloomingdale and its employees will comply with all relevant federal and state laws, local ordinances and regulations as they relate to this Policy.

V. Implementation

The Village of Bloomingdale's Substance Abuse Policy is effective as of the date it has been communicated, distributed, and explained to its workforce as demonstrated by a signed Village of Bloomingdale Acknowledgement of Receipt of Substance Abuse Policy.

VI. Mandatory Testing

- A. **Post Offer:** Post offer drug testing will be done on all prospective employees of the Village of Bloomingdale in accordance with the Americans with Disabilities Act (ADA). All drug screens will be scheduled after an offer of employment has been made, but prior to the start date. Applicants testing positive (without sufficient medical reason) will not be employed.
- B. **Return to Duty:** Before an employee who has engaged in any conduct prohibited by this Policy will be allowed to return to duty, he/she will be required to undergo return-to-duty substance abuse tests.
- C. **Post Accident:**¹ Any employee involved in an accident while operating a vehicle owned by the Village will be required to submit to substance abuse tests as soon as practicable following the incident, if

¹ The procedures in Sections VI. C and D do not require an employee to delay any necessary medical attention for injured people following an accident or to remain at the scene of an accident when his/her absence is necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Employees are strictly prohibited from using alcohol for eight hours following an accident, or until the post-accident testing requirements are carried out, whichever occurs first.

Failure or refusal to follow these instructions, including the use of alcohol prior to the required post-accident alcohol test, will be considered a refusal to submit to a test and result in discipline up to and including dismissal.

1. The employee received a citation for a moving traffic violation arising from the accident, and if the accident involves:

a) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

b) One or more motor vehicles incur disabling damage² as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

D. Other Accidents:¹ When a Village employee is involved in an on-the-job accident or injury that does not involve immediate medical transport for the employee or another person, a supervisor may conduct a preliminary investigation promptly and, as part of the investigation, shall evaluate the employee's appearance and behavior. Substance abuse testing may be required where there is reasonable suspicion that an error or mistake due to substance abuse by the Village employee caused the accident or injury, or where there is reasonable suspicion that the employee's substance abuse may have contributed to the incident.

E. Reasonable Suspicion:

1. Whenever the Village of Bloomingdale has reasonable suspicion to believe that an employee has engaged in prohibited conduct in violation of Village policy, the employee must submit to a substance abuse test. Any such suspicion must be based upon specific, contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the employee (see Appendix C), which may include indications of the chronic and withdrawal effects of substance abuse.
2. These observations will only be made by a supervisor or Village of Bloomingdale official who has received appropriate training and will be documented in writing by that individual within twenty-four (24) hours after his/her observations, or before any substance abuse test results are released. If reasonably and readily available, a second trained supervisor or Village official will be asked to confirm the initial supervisor's or official's observations of reasonable suspicion.
3. A reasonable suspicion substance abuse test will only be required if the reasonable suspicion observations are made during, just preceding or just after the period of the work day that an employee

² "Disabling damage," means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. "Disabling damage" does not include:

- a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
- b. Tire disablement without other damage even if no spare tire is available.
- c. Headlight or taillight damage.
- d. Damage to turn signals, horn, or windshield wipers, which make them inoperative.

is required to be in compliance with this Policy. If a substance abuse test for alcohol is not administered within eight hours following the reasonable suspicion determination, the Village of Bloomingdale will no longer attempt to administer said test and will document the reasons for its inability to do so.

4. Notwithstanding the above testing requirements, an employee may not report for duty or remain on duty if they are under the influence of or impaired by substance abuse, as shown by the behavioral, speech and performance indicators of substance abuse.
5. In any reasonable suspicion testing circumstance, a Village of Bloomingdale representative will transport the individual to an appropriate testing facility and await the completion of the testing procedure. If the employee is unfit to drive, the Village of Bloomingdale representative will then arrange for transportation for the individual back to the Village of Bloomingdale's premises or the individual's home. Should the employee be unfit to drive his/her own vehicle home, and the employee takes a taxi, the Village will reimburse the employee for the cost of the cab fare to the employee's home. If the employee refuses to comply with any of these procedures and attempts to operate his/her own vehicle, the Village of Bloomingdale will take appropriate efforts to discourage him/her from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the above procedures will be subject to discipline, up to and including dismissal.

F. Follow-Up: Any employee who has engaged in prohibited substance abuse related conduct will be subject to unannounced follow-up substance abuse testing as directed by the Substance Abuse Professional, with a minimum of 6 tests within the first 12 months and thereafter up to 60 months after returning to work.

G. Refusal to Test: Any employee who refuses to submit to any substance abuse test required by this Policy will be immediately removed from the work site. Employees will also be subject to discipline up to and including dismissal. For purposes of this Policy, "refusal to submit" to substance abuse test will include:

1. Failing to provide adequate breath or saliva for alcohol testing, without a valid medical explanation after an employee has received notice of a required test;
2. Failing to provide an adequate urine sample for drug testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after a employee has received notice of a required urine test;
3. Failing to cooperate with any part of the testing process, including failing to permit direct observation or monitoring of specimen

collection.

4. Submitting a substituted, diluted, or adulterated specimen.
 5. Failing to report for required testing; or failing to report within a reasonable time after notification to do so.
 6. Failing to remain at the testing site until the testing process is complete.
 7. Failing to undergo a medical examination when required as part of the test result verification process, or as directed for evaluation of the inability to provide adequate urine, breathe or saliva specimen.
- H. **On Duty Time:** All time spent providing a breath, saliva or urine specimen, including travel time to and from a collection site, in order to submit to a post-accident, reasonable suspicion, and/or follow-up test required under this Policy will be considered "on-duty" time.

VII. Testing Procedures

A. Alcohol

1. **Alcohol Testing Personnel and Equipment:** All alcohol testing will be conducted by qualified Breath Alcohol Technicians (BAT) and/or Screening Test Technicians (STT) using Alcohol Screening Devices (ASD) or Evidential Breath Testing (EBT) devices.
2. **Alcohol Testing Procedures:** After providing photo identification to the BAT or STT, the employee will follow the BAT/STT's instructions and provide a breath or saliva sample for the initial test.
 - a) If the result of the test is less than 0.02 alcohol concentration, the test is considered negative and the process is complete.
 - b) If the initial alcohol test result is 0.02 or greater, a confirmation test, using an EBT capable of printing the test results, will be conducted.
 - c) A confirmation test of .04 or greater will be considered a positive alcohol test.
 - d) Any employee requested to submit to an alcohol test required under this Policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be sent home for the rest of his/her work shift without pay and may be subject to discipline.
 - e) More information on consequences associated with violations of this Policy and possible disciplinary action is found under Section XIV (Discipline) of this Policy.
3. **Inability to Provide a Sample:** In the event an employee is unable to provide, or alleges he/she is unable to provide a breath or saliva

sample, the employee will make two attempts to complete the testing process. If the employee cannot provide a saliva sample for the screening test, the employee will submit to a breath alcohol test. If the employee cannot provide an adequate breath sample after two attempts, the BAT/STT will discontinue the testing process, notify the Village of Bloomingdale representative, and the employee shall, as soon as practical, be evaluated by a physician, designated by the Village of Bloomingdale. The physician will determine if there is a medical condition or diagnosis that prevents the employee from providing an adequate breath sample. If the physician is unable to document a medical condition or diagnosis responsible for the employee's failure to provide an adequate sample, it is considered a refusal to test.

B. Controlled Substance Testing

1. **Specimen Collection Procedures:** Controlled substances testing will be conducted using a urine specimen collected by qualified collection personnel at a collection site located on-site at the Village of Bloomingdale or at an off-site laboratory service center or medical clinic. The employee will be required to present photo identification to the collector at the start of the collection process.
2. Upon completion of urination, the employee will present the specimen to the collector. The collector will check the temperature and physical appearance of the specimen. The collector will divide the urine specimen into the two bottles.
3. If the employee is unable to urinate, or provides an insufficient quantity of urine, the employee will be provided fluids to drink and up to three hours to provide an adequate specimen. If the employee is unable to provide an adequate specimen after three hours, the collection process will cease. The collector will inform the Village of Bloomingdale, and the Village of Bloomingdale will direct the employee to be evaluated by a Village of Bloomingdale designated physician as soon as practical. If the MRO determines, after review of the physician's findings of the examination of the employee, that there is no medical explanation for the employee's failure to provide an adequate specimen, the employee will be considered to have refused to test.
4. If the employee refuses to cooperate during the collection process, the collection site person will inform the Village's DPC and document the employee's conduct. Employees are expected to exercise good faith and cooperate during the collection process and failure to do so will subject the employee to discipline, up to and including discharge, independent and regardless of the results of any subsequent drug test.
5. **Laboratory Analysis:** All urine specimens tested for drugs of abuse

under this policy will be analyzed at a laboratory certified by the Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA). The Village shall select a laboratory for testing conducted pursuant to this Policy. The Village reserves the right to select different vendors and providers in the future and will notify employees of the changes.

- a) All specimens will be tested for the drug or drug classes as outlined in this Policy, using an immunoassay screen approved by the Food and Drug Administration (FDA). The immunoassay screen will use cut-off levels established by the DHHS to eliminate negative specimens from further consideration. Any initial positive test will be subject to confirmation analysis.
- b) Any urine specimen identified as positive on the initial screen will be confirmed by gas chromatography/mass spectrometry (GC/MS) methodology. GC/MS analysis will use cut-off levels established by the DHHS for confirmation. Any specimen that does not contain drug or drug metabolites above the GC/MS confirmation cut-off levels will be reported by the laboratory as negative.
- c) The laboratory will report all test results to the MRO by confidential, secure electronic (not telephone) or hard copy transmission.
- d) Negative specimens will be destroyed and discarded by the laboratory after results are reported to the MRO. Non-negative specimens (Positive, Adulterated, Substituted, Invalid) specimens will be retained in long-term frozen storage for a minimum of one (1) year.

C. Prescribed and Over the Counter Medications

1. Any employee taking medication should consult a medical professional to determine whether the drug may affect his/her personal safety or ability to perform the essential functions of the job and should advise his/her supervisor of any job limitations. Upon notification of job limitations, the Village will make reasonable efforts to accommodate the limitation. The employee may be subject to provisions of the leave of absence policy.
2. Any employee required to submit to a drug test under this Policy will be given the opportunity to list any medication that he/she may be taking or may have recently taken on the back of the employee's copy of the Urine Custody and Control Form provided at the collection site. The employee will then have the opportunity to discuss the use of this medication with the MRO and may be

required to identify the physician prescribing the medication and authorize the MRO to discuss the use of the medication with that physician, including its possible side effects and its relationship to the employee's ability to safely perform the functions of his/her job.

3. In the event it is determined that an employee is taking or is under the influence of a medication that will adversely affect his/her ability to safely perform his/her work functions, and/or poses a significant risk of substantial harm to the employee, coworker or the general public, the employee will be removed from the work site, and/or placed on a medical leave of absence until that threat is acceptably reduced or eliminated.
4. The Village further reserves the right to place any employee taking a medication on a temporary medical leave of absence until the information described above is provided.

VIII. Medical Review Officer

- A. All test results will be reported by the laboratory to an MRO. The MRO will be a licensed physician with knowledge of substance abuse disorders. The MRO will review and consider possible alternative medical explanations for non-negative test results and will review the custody and control form to ensure that it is complete and accurate. The Village of Bloomingdale will designate an MRO for its controlled substance testing program. The MRO shall have the appropriate medical training to interpret and evaluate an employee's test results together with the employee's medical background and other relevant medical information provided by the employee in relation to the test.
- B. Prior to making a final test result for a positive, adulterated, diluted or substituted specimen, the MRO will give the individual an opportunity to discuss the test result. The MRO will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If, after making and documenting three attempts to contact the individual directly, the MRO is unable to reach the individual, the MRO will contact the Village's DPC, who will direct the individual to contact the MRO as soon as possible. If, after making all reasonable efforts, the Village of Bloomingdale is unable to contact the employee, the Village of Bloomingdale will place the employee on the appropriate type of leave of absence.
- C. The MRO may verify a test without having communicated directly with an individual about the results in three circumstances:
 1. If the individual expressly declines the opportunity to discuss the test;
 2. If the designated Village representative has successfully made and documented a contact with the individual and instructed him/her to contact the MRO, and more than 72 hours have passed since the

individual was successfully contacted; or

3. If neither the MRO nor employer has successfully contacted the employee after 10 calendar days of reasonable effort.
- D. In the test result verification process for a positive, adulterated, diluted or substituted result, the MRO may require that the employee submit to a medical examination by a Village of Bloomingdale designated physician. If the employee refuses to undergo the medical examination, the MRO will verify the test as positive or a refusal to test.
1. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO will report the test as negative. If the MRO determines that there is a legitimate physiologic explanation for the adulterated or substituted specimen finding, the MRO will report the result as a cancelled test.
 2. If the MRO determines, that there is no medical explanation for a positive test result, the MRO will report the test as positive, and provide the name of drug(s) detected. If the MRO determines that there is no medical or physiologic explanation for the adulterated, diluted or substituted specimen, the MRO will report the result as refusal to test, and provide the adulteration or substitution criteria identified.
 3. If the MRO determines that a specimen reported as invalid is due to medication interference or other legitimate medical circumstances, the MRO will cancel the test. If the MRO determines that there is no medical explanation for the specimen's invalidity, the MRO will cancel the test and inform the Village of Bloomingdale that another specimen must immediately be collected under direct observation.
 4. If the MRO reports a negative dilute specimen the Village of Bloomingdale may require the individual to undergo another drug test. If the second test is also reported as negative dilute, that result will be the test of record.
 5. The MRO will not disclose to any third party medical information provided by the individual to the MRO as part of the testing verification process, except as provided below:
 - a) The MRO will disclose such information to the Village of Bloomingdale, if in the MRO's reasonable medical judgment; the information indicates that continued performance by the employee could pose a significant safety risk.
 - b) Before obtaining medical information from the employee as part of the verification process, the MRO will advise the employee that the information will be disclosed to third parties as provided above and of the identity of any parties to whom the information may be disclosed.

6. The MRO will notify each individual who has a verified positive, adulterated, or substituted result that he/she has 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within 72 hours of such notice, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS certified laboratory for analysis. The split specimen testing will be at the employee's expense.
7. If an employee has not contacted the MRO within 72 hours, the employee may present the MRO with information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation of the employee's failure to contact him/her within 72 hours, the MRO will direct that analysis of the split specimen be performed.
8. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or fails to reconfirm the adulteration or substitution finding, the MRO will cancel the test. and report the cancellation and the reasons for it to the employer and the employee. If the split specimen is unavailable or unsuitable for reconfirmation, the MRO will cancel the test and inform the Village of Bloomingdale that another specimen must be immediately recollected under direct observation.

IX. Payment for Drug & Alcohol Testing

- A.** Payment for drug and alcohol tests shall be made in accordance with the following table. By test expense what is meant is the cost of the actual test and not other costs associated with taking the test.

Testing Circumstance	Test Expense	
	Employer	Employee
Post-Offer	X	
Post Accident	X	
Reasonable Suspicion	X	
Return to Duty		X
Follow-up (Mandatory or Voluntary)		X
Retest/split Sample		X

X. Referral and Treatment

- A. Mandatory Referral:** Employees with a first confirmed positive drug and/or alcohol test screen may be referred by the Village for diagnosis and possible treatment, as a condition of continued employment, in accordance with Section XIV Discipline, except:
1. where the violation involves the sale or possession of drugs;
 2. where the employee is observed using or consuming alcohol or drugs at work;
 3. the violation involves a probationary employee;
 4. for a second or subsequent violation.
- B. Voluntary Treatment and Counseling:** An employee may desire to come forward on a self-initiated basis to seek help for an alcohol or drug abuse problem and to voluntarily resolve that problem. Employees may contact the Drug Policy Coordinator (Human Resources Director) in such instances. Employees are encouraged to do so before they are found in violation of this Policy. Voluntary requests for help will be kept confidential. Any employee voluntarily seeking assistance for a problem involving illegal drug use or alcohol abuse may avail himself or herself of this help once during their employment tenure. The employee will not be subject to disciplinary action for voluntarily coming forward for help although the employee is subject to follow-up alcohol and/or drug testing as determined by the Village's SAP. Future follow-up tests for a voluntary admission are subject to disciplinary action up to and including dismissal, even for the first offense. However, an employee will not escape discipline by requesting such assistance after being requested to take an alcohol and/or drug test or violating Village policies and rules of conduct. In addition, once an employee has violated Village policies and rules of conduct, compliance with a prescribed treatment does not guarantee an employee a right of reemployment.
- C. Reasonable Accommodation:** The Village of Bloomingdale is committed to providing reasonable accommodation to those employees with diagnosed alcohol or drug dependencies, as required by applicable federal and/or state law, provided such dependencies do not constitute threats to property or safety and further provided that the employee has not committed a terminable offense.
- D. Treatment Expenses:** The employee must pay all of the expenses associated with his or her evaluation, counseling, and treatment (for mandatory referral or voluntary treatment and counseling) to the extent that they are not covered by the Village's Employee Assistance Program (EAP) or the employee's or spouse's insurance plan. In addition, if an employee continues working while seeking assistance under the treatment program, the employee must meet all established standards of conduct and job performance set forth by the Village.

E. Evaluation, Development of Treatment Plan and Reassignment

1. 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 Village's SAP and DPC, may request an employee 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 Village Administrator in consultation with the Department Director and DPC in view of the Village's operating requirements.
2. The SAP assigned to an employee's case will ordinarily maintain contact with the employee, the treatment provider and the Village's DPC 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 testing, successfully complete all aspects of prescribed treatment and remain free of drug and alcohol use, and sign a return to work agreement setting forth the terms and conditions of continued employment.
3. Failure to comply with the conditions of continued employment in the return to work agreement shall be deemed a breach of the conditions in the return to work agreement and cause for dismissal. Moreover, confirmed positive test results from a periodic drug and/or alcohol screen during treatment will be cause for dismissal. The employee shall cooperate fully in the completion of all phases of testing and rehabilitation.
4. If an employee disagrees with the Village's SAP's recommendations they are to consult with the Village's DPC, who will confer with the Village's MRO. The employee will have the opportunity to participate in this conference. Once the matter has been reviewed, the joint decision of the DPC and the MRO will be final.
5. The medical determination of whether an employee is fit to return to full duty will be made by the Village's MRO.

XI. Workplace Search

- A. The Village of Bloomingdale may, upon reasonable suspicion of the use/possession by an employee of drugs and/or alcohol, conduct a search of an employee's work area, including but not limited to, the employee's locker, desk, and Village vehicle. The Village reserves the right to search

personal property belonging to its employees, such as but not limited to, lunch boxes or bags, backpacks, or briefcases if such property is brought onto Village premises or into Village vehicles.

Searches of the persons of employees, including articles of clothing while being worn by employees, are prohibited.

- B. All employees are expected to consent to such searches as a precondition of employment and as a condition of continued employment. Refusal to permit such a search is ground for disciplinary action up to and including dismissal.
- C. If drug paraphernalia or suspicious substances are found, the Village of Bloomingdale may contact local law enforcement for assistance. The items in question will be guarded or seized, a receipt provided to the employee, and held securely until law enforcement officials arrive.

XII. Confidentiality and Recordkeeping

- A. **Confidentiality:** The Village of Bloomingdale will maintain all records generated under this Policy in a secure manner so that disclosure to unauthorized persons does not occur. Thus, the results of any tests administered under this Policy and/or any other information generated pursuant to this Policy will not be disclosed or released to anyone without the express written consent of the employee, except where otherwise required or authorized by federal or state regulation or law. In addition, the Village of Bloomingdale's contract with its designated service agents requires them to maintain all employee test records in confidence. However, the Village of Bloomingdale may disclose information required to be maintained under this Policy to the employee, the employer or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or drug test administered under this Policy, or from the employer's determination that the employee engaged in conduct prohibited by this Policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)
- B. **Access to Facilities and Records:** Upon written request by any covered employee, the Village of Bloomingdale will promptly provide copies of any records pertaining to the employee's use of alcohol or drugs, including any records pertaining to his or her alcohol or drug tests.

XIII. Employee Assistance Program – Employee Education – Supervisor Training

- A. **Employee Assistance Program:** The Employee Assistance Program (EAP) of the Village of Bloomingdale is available to employees who desire to seek help for a substance abuse problem. Contact with the EAP can be made directly or through a referral. Information on how to contact the EAP,

some area treatment programs, and support groups is found in Appendix D.

- B. Employee Education:** The Village's DPC will provide employees subject to this policy with a copy of this Policy, along with educational materials concerning the effects of substance abuse.
- C. Supervisory Training:** Any supervisory or managerial employee who is designated to determine whether reasonable suspicion exists to require a covered employee to undergo a drug or alcohol test under this Policy will be required to receive training on substance abuse. This training will cover the physical, behavioral, speech and performance indicators of probable substance abuse.

XIV. Discipline

The Village expects that employees, uniformed and non-uniformed, will present a professional image at all times when performing job tasks. Employees shall conduct themselves in a manner to bring credit to the Village and to the public service it performs. An employee may not report for duty or remain on duty if he/she is under the influence of or impaired by substance abuse. Employees who violate this Substance Abuse Policy are subject to discipline up to and including dismissal.

A. Employee Conduct

1. **On Duty:** Any employee found to use, sell, possess or distribute any illegal or unauthorized drugs while on the premises of a Village workplace, performing Village-related duties, or while operating any Village equipment, is subject to disciplinary action, up to and including dismissal. Possession or use of alcohol on the premises of any Village workplace, except in connection with Village-authorized events, is prohibited. The moderate use of alcohol at Village approved meetings, with business meals, travel, entertainment, or in an appropriate social setting, is not prohibited by this Policy. Any employee using a Village vehicle is considered to be in the workplace for the purpose of this Policy and may not be under the influence of or impaired by substance abuse while operating a Village vehicle.
2. **Off Duty:** Off-the-job illegal drug use which could adversely affect an employee's job performance or which could jeopardize the safety of others, the public, or Village equipment, is proper cause for administrative or disciplinary action up to and including dismissal.

Employees who are convicted of off-the-job drug activity may be considered to be in violation of this Policy. In deciding what action to take, the Village will take into consideration the nature of the offense, the employee's present job assignment, the employee's

record with the Village and other factors relating to the impact and circumstances of the employee's conviction.

- B. First Positive Test Results:** Where the employee tests positive on both the initial and confirmatory tests for drugs or alcohol, the employee shall be subject to disciplinary action which can include dismissal, even for the first offense, or be required to complete a drug/alcohol rehabilitative treatment program as a condition of continued employment. However, when the employee is taking prescription medication in conformity with the lawful direction of the prescribing physician or a non-prescription medication in conformity with the manufacturer's specified dosage and the employee has notified the Village of the use of the prescription or non-prescription medication before any laboratory test is performed on the requested breath, saliva, or urine specimen, a positive test result consistent with the ingredients of such medication may not constitute cause for discipline. (The Village may require an employee to provide evidence that any prescription medication has been lawfully prescribed by a physician, as well as confirmation from a physician that it is safe for the employee to perform his/her duties.)
- C. Second Offense:** The Village will dismiss an employee with a second confirmed positive drug 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. This action will be taken whether or not the employee has been or is currently in treatment.
- D. Refusal to Provide a Breath, Saliva or Urine Specimen:** In the event an employee refuses to complete and sign the breath alcohol testing form, or complete paperwork for urine test, refuses to provide a breath or saliva sample, an adequate amount of breath, or urine sample, or otherwise fails to cooperate with the collection process in a way that prevents the completion of the test, the BAT or other technician will record such conduct in the "remarks" section of the form, terminate the testing process and promptly notify the Village. Any such conduct will constitute a refusal to test. A refusal to test shall constitute disciplinary action, which can include dismissal of the employee who engages in such activity, even for the first offense.
- E. Tampering With or Substitution of a Specimen:** Intentionally tampering with, causing another person to tamper with, substituting for, or causing another person to substitute for a urine specimen, whether the employee's own specimen or another employee's specimen, shall constitute cause for disciplinary action which can include dismissal of the employee who engages in such activity, even for the first offense.
- F. Disciplinary Action:** If discipline is imposed, the degree of discipline may be based on the circumstances surrounding the violation of this Policy, the employee's work history and current performance levels, past violations of employment policies, length of service, and an overall review of the

employee's work records. The Village reserves the right to impose discipline it deems appropriate to maintain a substance abuse free workplace. Discipline shall be imposed consistent with the Village's Employee Personnel Manual and any applicable collective bargaining agreement.

- G. Disciplinary Appeal Process:** Any employee being suspended, dismissed or otherwise disciplined under this policy may file a grievance pursuant to the applicable procedure in the personnel policy or collective bargaining agreement.

APPENDIX A

**VILLAGE OF BLOOMINGDALE
SUBSTANCE ABUSE POLICY, PROGRAM AND PROCEDURES
ACKNOWLEDGEMENT FORM**

I hereby acknowledge that I have received a copy of the Village of Bloomingdale's Substance Abuse Policy, Program and Procedures and that I have read and fully understand its contents. I understand I may be subjected to substance abuse testing and that I may be disciplined up to and including dismissal for substance abuse which affects my ability to perform my job safely and effectively.

I further understand that the Village offers voluntary and confidential referrals to substance abuse treatment programs through its Employee Assistance Program (EAP).

PRINT NAME: _____
Employee

SIGNATURE: _____
Employee

DATE: _____

APPENDIX B
VILLAGE OF BLOOMINGDALE
CONSENT FORM FOR
SUBSTANCE ABUSE SCREENING

NAME _____
(Print)

ADDRESS _____
(Street)

(City) (State) (Zip Code)

I freely consent to tests of my breath, saliva or urine to determine the presence of alcohol, drugs or their metabolites in my system. I also consent to the release of test results and other relevant medical information to the Village of Bloomingdale management consistent with its Substance Abuse Policy, Program and Procedures.

AGREED: _____ REFUSED: _____
Signature Signature

DATE: _____

Reason for Refusal:

Witness Name (Print): _____

Witness Signature: _____ Date: _____

APPENDIX C

VILLAGE OF BLOOMINGDALE SUPERVISOR'S OBSERVATION REPORT FORM FOR REASONABLE SUSPICION/POST ACCIDENT TESTS (Page 1)

Instructions: Supervisors should use this report to record any incidents, workplace performance or workplace behavior problems that warrant a post-accident or reasonable suspicion test. This document must be completed within 24 hours of the time the incident occurred and the testing was initiated.

Employee's Name: _____

Date and Time of Incident: _____

Location of Incident: _____

Describe the Incident in Detail: _____

OBSERVATIONS

Breath/Odor: () Alcohol Smell () Drug Smell () Strong () Moderate () Faint () None

Eyes: () Bloodshot () Glassy () Normal () Watery () Other _____
() Heavy Eyelids () Fixed Pupils () Dilated Pupils () Clear

Speech: () Confused () Stuttered () Thick-Tongued () Mumbled
() Fair () Slurred () Good () Not Understandable
() Other _____

Attitude: () Excited () Combative () Mood Changes () Indifferent () Talkative
() Insulting () Care-Free () Nervous () Sleepy () Cooperative
() Profane () Polite () Unusually Quiet () Disoriented () Other _____

Unusual Action: () Hiccoughing () Belching () Vomiting () Fighting () Crying
() Laughing () Hearing Things () Seeing Things () Blackouts () Other _____

Balance: () Needs Support () Falling () Poor Coordination () Swaying () Other _____

Walking: () Falling () Staggering () Stumbling () Swaying () Other _____

Turning: () Falling () Staggering () Stumbling () Swaying () Hesitant
() Other _____

Appearance: () Altered () Flushed Face () Blank Stare () Disheveled Clothing
() Tremors/Shakes () Needle Marks () Other _____

APPENDIX C

**VILLAGE OF BLOOMINGDALE
SUPERVISOR'S OBSERVATION REPORT FORM FOR
REASONABLE SUSPICION/POST ACCIDENT TESTS
(Page 2)**

Employee's Name: _____

Indicate any other unusual actions, statements or observations: _____

Signs of complaints of illness or injury: _____

Safety-sensitive function: () Yes () No Describe: _____

List Witnesses to Incident:

Additional Comments:

(Use additional pages if needed)

Supervisor's Name (Print): _____

Supervisor's Signature: _____ Date: _____

Witness' Name (Print): _____

Witness' Signature: _____ Date: _____

APPENDIX D

VILLAGE OF BLOOMINGDALE

Contact List for EAP, Local Area Treatment Programs, Support Groups

Employee Assistance Program (EAP)
Central DuPage Hospital 630-653-4218
27W350 Highlake Road
Winfield, Illinois 60190

Alexian Brothers
Behavioral Health Hospital 800-432-5005
1650 Moon Lake Blvd.
Hoffman Estates, IL 60194

Elmhurst Memorial Healthcare
Behavioral Health Services 630-941-4577
183 North York Rd.
Elmhurst, IL 60185

Glen Oaks Hospital 630-545-6160
701 Winthrop Ave.
Glendale Heights, IL 60139

Rush Behavioral
Health Center – DuPage 312-942-4000
The Esplanade, 2001 Butterfield Rd
Suite 320
Downers Grove, IL 60515

Streamwood Behavioral
Health Center 800-272-7790
630-837-9000
1400 E. Irving Park Rd.
Streamwood, IL 60107

The Center for Mental Health of
Good Samaritan Hospital 630-275-6000
3815 S. Highland Ave.
Downers Grove, IL 60515

Alcoholics Anonymous
www.chicagoaa.org
312-346-1475 (Chicago), 630-653-6556 (Glen Ellyn),
630-830-6091 (Bartlett), 847-695-9123 (Elgin)
Meetings held nightly throughout the Chicago area

Narcotics Anonymous
www.chicagona.org
708-848-4884
Meetings held nightly throughout the Chicago area

