

## CORPORATE POLICY

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| <b>SUBJECT: Drug and Alcohol-Free Workplace</b> | <b>CATEGORY: Human Resources</b>   |
|   | <b>ORIGINAL DATE: February 14, 1995</b>                                  |
|   | <b>REVIEWED DATE: <del>February 22, 2017</del> <u>April 22, 2024</u></b> |
|   | <b>REVISION DATE: <del>July 22, 2020</del> <u>July 24, 2024</u></b>      |

### I. POLICY:

Lake County Health Department and Community Health Center (LCHD/CHC) is committed and obligated to protecting the safety, health, and well-being of all employees and ~~customers-clients~~ to ensure a safe workplace. We recognize that drug and alcohol use pose a significant threat to our mission, vision, values, and goals. This drug and alcohol-free workplace policy balances respect for employees and contingent workers and clients with the need to maintain a drug and alcohol-free environment.

### II. SCOPE:

All LCHD/CHC employees and contingent workers.

### III. PROCEDURE:

#### A. Alcohol, Marijuana/Cannabis, Illegal Drugs, Controlled Substances

~~The work-related effects of drug and alcohol use, the unlawful possession or sale of controlled substances, or misuse of prescription medications in the conduct of Health Department business on or off LCHD/CHC premises will be handled as follows:~~

1. No employee may manufacture, distribute, dispense, possess, solicit, sell, or use, or be impaired by alcohol, marijuana/cannabis, illegal drugs or use a controlled substance without a prescription for the use of that controlled substance.
2. No employee may be impaired by alcohol, marijuana/cannabis, an illegal drug, or a controlled substance while conducting LCHD/CHC business on or off LCHD/CHC property.
3. Employees are ~~expected and~~ required to report to work on time and in appropriate mental and physical condition. ~~Individuals~~ Employees reporting to work exhibiting certain behaviors (i.e., incoherent, smelling of alcohol, dilated pupils, slurred speech, unsteady gait, etc.) may be suspected of being under the influence and not in appropriate mental and physical condition for work.

#### B. Prescription Medications

1. Nothing in this policy prohibits the appropriate use of prescription medications legally prescribed by a licensed physician. However, it is the employee's duty to discuss with the prescribing physician any adverse effects that medication may have on their ability to safely perform their job responsibilities and to inform their supervisor and their Senior Human Resources (HR) Generalist Business Partner of those adverse effects. The disclosure is only related to on-the-job prescription drug use.
2. If a prescribing physician advises an employee to refrain from making business decisions or driving or restricts some other major life functions due to the effects of the medication, the employee must obtain that restriction in writing and provide

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- it to their supervisor and their Senior HR GeneralistBusiness Partner.
3. The Senior HR GeneralistBusiness Partner ~~by contacting the physician or medical practitioner or by any other means deemed advisable,~~ will investigate whether it is necessary to impose any restriction on employment as a result of the employee's use of the medication. The investigation may include, but is not limited to, contacting the employee's physician or medical practitioner.
  4. If it is determined that the legally prescribed medication may affect or interfere with the safety and effectiveness of job performance, ~~the~~ LCHD/CHC may remove, reassign, or place the employee on leave ~~the employee from their position~~ until such time the medication is discontinued, or dosage reduced. Upon notification of a reduction in dosage, the Senior HR GeneralistBusiness Partner will re-evaluate the restriction and render a new determination.
- C. Drug and/or Alcohol Testing
1. Reasonable suspicion for testing: Employees ~~may be~~ subject required to undergo drug and/or alcohol testing based on, but not limited to, observations of apparent workplace use, possession or impairment by at least two members of management. The Senior HR Business Partner, HR Manager, or HR Director should be consulted before sending an employee for testing. Management may use the reasonable suspicion observation checklist to document specific observations and behaviors that can create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include, but are not limited to:
    - a. Odors (smell of alcohol, body odor or urine).
    - b. Movements (unsteady, fidgety, dizzy).
    - c. Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
    - d. Face (flushed, sweating, confused or blank look).
    - e. Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
    - f. Emotions (argumentative, agitated, irritable, drowsy).
    - g. Actions (yawning, twitching).
    - a.h. Inactions (sleeping, unconscious, no reaction to questions), if their supervisor observes signs and symptoms that lead them to believe the employee is unable to perform the essential duties of their job as outlined in the position description and/or may pose a threat to themselves, other employees, clients, or the public.
  2. To ensure accuracy and fairness, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable.
  3. All drug and alcohol testing will be conducted by Lake County's Occupational Health Provider and all information related to that testing will be maintained by that vendor in separate confidential records.
  4. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.
  5. Testing for the presence of alcohol will be conducted by the analysis of breath or the recommended guidelines by Lake County's eOccupational Health Providerguidelines.
  6. Each candidate for hire, as a condition of employment, will be required to participate in pre-employment drug testing.

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- ~~6-7.~~ Any employee, as a condition of continued employment, will be required to participate in pre-employment, post-accident, and reasonable suspicion testing when they are involved in, caused or contributed to an accident during the performance of their job, upon request of management, including testing upon the manifestation of specific, articulable symptoms that indicate an employee is using or has used drugs or alcohol in violation of this policy, or while working, that decrease or lessen their job performance
- ~~7.~~ Any employee who tests positive will immediately be removed from duty, pending a disciplinary hearing meeting.
- ~~8.~~ Any employee failing to cooperate in the testing process in such a way that prevents the completion of the test, including but not limited to refusal of the screening, adulterating or diluting the specimen, substituting the specimen with that from another person, sending an imposter to provide a specimen, or refusal to sign the required forms, will be subject to the same outlined in paragraph III.C.8 disciplinary consequences as a positive test result.
- ~~8.~~ Under no circumstances should the employee be allowed to drive themselves home or to the testing site, if their immediate supervisor believes they are impaired by drugs or alcohol.
- ~~9.~~ Any employee leaving the scene of an accident without justifiable explanation prior to submission submitting to post-accident testing will also be considered to having refused to cooperate.
- D. Investigation and Discipline and Remedies
- ~~1.~~ Employee violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences. Applicant violations of this policy will result in the withdrawal of any offer of employment.
- ~~4-2.~~ Any employee that is a “qualifying patient,” as defined by the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, subject to discipline for impairment occurring when conducting LCHD/CHC business on or off LCHD/CHC property will be afforded a reasonable opportunity to contest the basis of the determination of discipline.
- ~~3.~~ Employees must, as a condition of continued employment, employees who are convicted, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five days of court order being entered in the matter. Failure to comply will result in automatic discharge. Compliance may result in administrative discharge. Compliance may result in administrative leave with pay providing management time to review the nature of the charges and the employee’s performance record. report any conviction under criminal drug statute for violations occurring in the conduct of Health Department LCHD/CHC business on or off LCHD/CHC premises property. A report of a conviction must be made within five (5) working days after the conviction. This requirement is mandated by the Drug-Free Work Act of 1988.
- ~~4.~~ Any current employee who tests positive after reasonable suspicion or post-accident testing will immediately be placed on paid administrative leave pending an investigation and pre-disciplinary meeting.
- ~~2-5.~~ Any employee failing to cooperate in the testing process in such a way that prevents the completion of the test, including but not limited to refusing screening, adulterating or diluting the specimen, substituting the specimen with

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that from another person, sending an imposter to provide a specimen, or refusal to sign the required forms, will be placed on paid administrative leave, pending an investigation and pre-disciplinary meeting.

### E. Employee Assistance and Support

1. LCHD/CHC will assist and support employees who voluntarily seek help for drug or alcohol addiction through the Employee Assistance Program or health insurance plans, before becoming subject to discipline or termination under this or other Health Department policies. Such employees will be encouraged and allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. The financial responsibility for recommended treatment belongs to the employee.

4-2. Employees may be required to provide documentation that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. 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.

~~E. LCHD/CHC recognizes drug and alcohol dependency as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our confidential employee assistance program and health insurance plans, as appropriate. However, the ultimate financial responsibility for recommended treatment belongs to the employee. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in their personnel record.~~

F. Confidentiality. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the employer 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.

F.G. This policy will be discussed with all new employees during new hire orientation. All employees are required to sign an acknowledgment that they ~~have received a copy~~ are aware of how to access an electronic version of this policy and that they understand that compliance with the policy is a term and condition of employment.

### IV. REFERENCES:

Substance Abuse and Mental Health Services Administration (SAMHSA) drug and alcohol testing guidelines.

Illinois Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act (410 ILCS 130/1, et seq.)

Drug-Free Workplace Act of 1988 (41 U.S.C. 8101, et seq.)

Right to Privacy in the Workplace Act (820 ILCS 55/1, et seq.)

### V. AUTHORS/REVIEWERS:



## **CORPORATE POLICY**

Designated Review Team, Corporate Policy and Procedure Committee, Executive Team, and Lake County Board of Health Personnel Committee

### **VI. APPROVALS:**

Lake County Board of Health President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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4. If it is determined that the legally prescribed medication may affect or interfere



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with the safety and effectiveness of job performance, LCHD/CHC may remove, reassign, or place the employee on leave until such time the medication is discontinued, or dosage reduced. Upon notification of a reduction in dosage, the Senior HR Business Partner will re-evaluate the restriction and render a new determination.

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6. Each candidate for hire, as a condition of employment, will be required to participate in pre-employment drug testing.
7. Any employee, as a condition of continued employment, will be required to participate in post-accident testing when they are involved in, caused or contributed to an accident during the performance of their job.
8. Under no circumstances should the employee be allowed to drive themselves home or to the testing site, if their immediate supervisor believes they are impaired by drugs or alcohol.
9. Any employee leaving the scene of an accident without justifiable explanation prior to submitting to post-accident testing will be considered having refused to cooperate.

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Compassionate Use of Medical Cannabis Program Act, subject to discipline for impairment occurring when conducting LCHD/CHC business on or off LCHD/CHC property will be afforded a reasonable opportunity to contest the basis of the determination.

3. As a condition of continued employment, employees who are convicted, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five days of court order being entered in the matter. Failure to comply will result in automatic discharge. Compliance may result in administrative discharge. Compliance may result in administrative leave with pay providing management time to review the nature of the charges and the employee's performance record.
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**V. AUTHORS/REVIEWERS:**

Designated Review Team, Corporate Policy and Procedure Committee, Executive Team, and Lake County Board of Health Personnel Committee

**VI. APPROVALS:**

Lake County Board of Health President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_