

# DOWNERS GROVE SANITARY DISTRICT DRUG AND ALCOHOL POLICY

## I. OVERVIEW AND APPLICABILITY

The use of illegal drugs and alcohol misuse by employees is inconsistent with the District's long-standing commitment to a safe and productive work environment. Department of Transportation (DOT) regulations require the District to have a policy against alcohol misuse and drug use by drivers of commercial motor vehicles (CMV). In addition to such regulations, the District has established certain drug-alcohol rules for its employees that are based on its independent authority as an employer, and which have been incorporated into the District's Drug and Alcohol Policy.

The General Manager or Administrative ~~Supervisor Services Director~~ can answer questions about the District's Drug and Alcohol policy. It is effective immediately and applies to all ~~e~~Employees and applicants. Employees must comply with the District's Drug and Alcohol policy as a condition of their continued employment. Any violation of the District's Drug and Alcohol policy ~~shall~~may result in immediate dismissal, pursuant to the District's independent authority and discretion.

This policy applies whenever anyone is working, representing, or conducting business for the District. Therefore, this policy applies during all working hours, while on District Premises (as defined below) or in any other location performing services for the District.~~unless the General Manager determines mitigating circumstances may warrant alternative disciplinary action.~~

The District strongly encourages ~~e~~Employees with drug and alcohol problems to seek assistance before they become subject to discipline for violating this or other District policies. Such ~~e~~Employees will be accommodated by the District to the extent required by applicable law. Employees will not be disciplined by the District because they request assistance. Employees may not, however, escape discipline by requesting assistance after they violate the District's policies. In addition, Employees who request assistance will not be excused from complying with the District's policies, including its standards for employee performance and conduct.

## II. DEFINITIONS

"Accident" means an occurrence, which occurs on the job or involves a District Vehicle (including CMV), District eEquipment or ~~p~~Property, that results in a fatality, bodily injury to a person who immediately receives emergency medical treatment away from the accident scene, or disabling damage to a District Vehicle, District eEquipment or ~~p~~Property. Employees must notify their supervisor as soon as safely possible after any accident, even if it does not meet this definition.

"Alcohol" means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl or isopropyl alcohol. The term includes beer, wine, spirits and medications such as cough syrup that contain alcohol.

"Breath Alcohol Technician" or "BAT" means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

"Commercial Motor Vehicle" or "CMV" means a motor vehicle that has a weight rating of 26,001 pounds or more, or is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials required to be placarded.

"District Premises" means any building, real property, and parking area under the control of the District or area used by an eEmployee while in performance of the eEmployee's job duties, and any District Vehicle (defined below).

"District Equipment or Property" means any equipment or property owned, rented, or leased by the District.

"District Vehicle" means any motor vehicle owned, rented, or leased by the District, including but not limited to a CMV.

"Driver" means any person who operates a District Vehicle, including but not limited to a CMV.

"Drug(s)" means ~~marijuana, cocaine, opiates (including codeine, heroin (6-AM), and morphine), amphetamines (including methamphetamine and MDMA), and phenethylidine, prescribed medications, and all controlled substances listed in Schedules I-V of 21 U.S.C. § 812 and 21 C.F.R. Part 1308.~~ all controlled substances, designer drugs, synthetic drugs, and other drugs that are not being used or possessed under the supervision of a licensed health care professional or that are not being used in accordance with the licensed health care professional's prescription or whose use or possession is unlawful under the federal Controlled Substances Act. (Controlled substances are listed in Schedules I-V of 21 U.S.C. § 812 and 21 C.F.R. Part 1308.)

"Drug Test" means a test administered at the direction of the District for- ~~any substances that fall under the definition of Drugs defined above. marijuana, cocaine, opiates (including codeine, heroin (6-AM), and morphine), amphetamines (including methamphetamine and MDMA), and phenethylidine.~~

"Employee" means any District employee.

"Medical Review Officer" or "MRO" is a licensed physician who has knowledge and training regarding substance abuse disorders and who will, among other things, interpret and evaluate positive drug test results.

"Performing a safety-sensitive function" means any and all times when an Employee ~~driver~~ is actually working or is required to be ready to work until the time the Employee ~~driver~~ is relieved from work and all responsibility for performing work regardless of whether said work is being performed while on District Premises or in any other location performing services for the District, including but not limited to the following activities related to (1) District Vehicles ~~all-time~~: driving or remaining ready to drive a District Vehicle; loading or unloading a District Vehicle, assisting or supervising the loading or unloading of a District Vehicle, attending a District Vehicle being loaded or unloaded, or giving or receiving receipts for the loading or unloading of a District Vehicle; waiting to be dispatched, loaded or unloaded; inspecting or servicing a District Vehicle; repairing, obtaining assistance for, or attending a disabled District Vehicle; performing required duties after an accident;

and, all other duties while the ~~d~~Driver is in or on a District Vehicle; or (2) District Equipment: operating, inspecting, maintaining, replacing, servicing, transporting or otherwise utilizing equipment.

"Refuse to Cooperate" means to obstruct the collection or testing process, to not proceed promptly to a collection site and provide specimens when required to do so, failing to remain at the testing site until testing is complete, failing to attempt to provide specimens, to provide an adulterated, altered or substitute urine specimen, or not to sign breath testing and other mandated forms.

"Substance Abuse Professional" or "SAP" means a licensed physician or health care professional who has knowledge and training regarding ~~d~~Drivers' violations of DOT drug and alcohol regulations and makes recommendations regarding education, treatment, follow-up testing and aftercare.

"Test Positive for Alcohol" means to take an alcohol test that results in an alcohol concentration of .04 or more.

"Test Positive for Drugs" means to take a drug test that results in a positive test concentration of ~~Drugs~~marijuana, cocaine, opiates (including codeine, heroin (6-AM), and morphine), amphetamines (including methamphetamine and MDMA), or phencyclidine, or their metabolites, that is equal to or exceeds the cutoff levels that are set forth in the Department of Transportation (DOT) rules, 49 C.F.R. Part 40.

### III. ~~TIMES~~ WHEN DRIVERS ARE REQUIRED TO COMPLY WITH ~~THE~~ DISTRICT'S DRUG AND ALCOHOL POLICY

DOT rules and regulations require ~~d~~Drivers' compliance in connection with their performance of safety-sensitive functions as ~~d~~Drivers. Drivers may be directed to take a random, reasonable suspicion or follow-up alcohol test while they are performing a safety-sensitive function, or just before and just after performing such a function. Drivers may be required to take drug tests and other alcohol tests at any time. At all other times, ~~D~~drivers' compliance with the District's Drug and Alcohol policy is required pursuant to the District's independent authority. Drivers who fail or Refuse to Cooperate with alcohol or Drug tests as required by DOT rules and regulations may be subject to dismissal, to the extent permitted by applicable law.

### IV. PROHIBITIONS AND STANDARDS OF CONDUCT

1. ~~Drivers~~ Employees may not report for or remain on duty requiring the performance of a safety-sensitive function if they:
  - have an alcohol concentration of .04 or more; or
  - are using any ~~D~~drug, as defined by this policy, ~~(unless the D~~drug is prescribed for the Employee driver and used pursuant to instructions by a licensed medical practitioner, and ~~-so long as a licensed medical practitioner has certified that its use will not adversely affect their ability to perform any of their safety-sensitive functions~~operate a District Vehicle safely.



termination of employment, ~~(pursuant to the District's independent authority, unless prohibited by applicable law)~~.

8. Beginning January 1, 2020, recreational marijuana use will be legal in Illinois. Please be aware that Employees who use recreational marijuana while off-duty may test positive on a Drug Test required under this policy and under DOT regulations. Positive test results will not be excused by the "recreational" use of marijuana. Employees who use "medical marijuana" must report this use to their supervisor or the Administrative Supervisor, so that the District may analyze the potential safety risk. The District will comply with applicable law with regard to the use of "medical marijuana" to the extent that those laws impose any obligations on the District and to the extent that safety is not compromised. The District will not discriminate against any Employee for engaging in otherwise lawful conduct outside of work, while off-duty, and while not on-call.

## V. CIRCUMSTANCES UNDER WHICH DRIVERS ARE SUBJECT TO TESTING

The following tests are mandatory.

1. Post-offer/Pre-employment: Applicants must pass a ~~d~~Drug ~~t~~Test before reporting for duty in a position that requires performing a safety-sensitive function. For positions that require an Employee to legally operate a CMV, ~~A~~applicants must also authorize prior employer(s) to disclose positive test results and refusals to cooperate.
2. Post-accident: If a ~~d~~Driver is in an accident involving a District Vehicle that results in a fatality, or is ticketed after an accident that results in bodily injury to a person who immediately receives emergency medical treatment away from the accident scene or damages to a vehicle that requires the vehicle to be towed away from the accident scene, DOT rules and regulations require the ~~d~~Driver to take an alcohol test within two (2) hours and a drug test within thirty-two (32) hours. The ~~d~~Driver must notify his/her direct supervisor as soon as safely possible after such accident.
3. Random: Each year, at least twenty-five percent (25%) of the District's CMV ~~d~~Drivers will have to take random alcohol tests; at least fifty percent (50%) will have to take random ~~d~~Drug ~~t~~Tests. (The District will adjust these rates to remain consistent with DOT rules and regulations.) These tests will be unannounced, spread throughout the year, and all ~~d~~Drivers will have an equal chance of selection.
4. Reasonable Suspicion: If a ~~d~~Driver is reasonably suspected by a supervisor of using illegal drugs or alcohol in violation of Prohibition Nos. 1-~~3 or~~ 5, the ~~d~~Driver must take a drug and/or alcohol test.
5. Return to Duty and Follow-up: If a ~~d~~Driver violates Prohibition Nos. 1-~~3 or~~ 5, but is not terminated, the ~~d~~Driver must pass a drug and/or alcohol test before the ~~d~~Driver

returns to duty. The ~~d~~Driver will also have to take unannounced follow-up tests for at least one (1) year and may have to take them for up to five (5) years.

## VI. CIRCUMSTANCES UNDER WHICH ALL EMPLOYEES ARE SUBJECT TO TESTING

The following tests are mandatory.

1. Pre-employment: All offers of employment are contingent upon the applicant passing a post-offer drug test, unless prohibited by applicable law.
2. Post-accident: Employees who cause or contribute to an on-the-job accident that seriously damages a District Vehicle, District eEquipment or ~~p~~Property, or results in an injury to a person who requires immediate medical treatment beyond first aid treatment, are subject to drug and alcohol testing.
3. Reasonable Suspicion: Employees are subject to drug and alcohol testing if a supervisor reasonably suspects them of using or being under the influence of alcohol or ~~D~~illegal drugs while they are working (whether on or off District Premises), performing a safety-sensitive function, operating District Vehicles or utilizing District eEquipment or Property, or present on District Premises~~property, or off District Premises during working hours (including breaks and rest periods)~~. Any on-the-job accident may also trigger a reasonable suspicion investigation.
4. Follow-up: Employees who test positive or otherwise violate the District's Drug and Alcohol policy, and are not terminated, ~~are~~may be subject to follow-up drug and alcohol testing at times and frequencies determined by the District.

## VII. CONSEQUENCES OF POSITIVES AND VIOLATIONS

1. Drivers who test positive or violate Prohibition Nos. 1-~~3~~or5, will be immediately removed from the performance of any safety-sensitive functions, advised of available resources for evaluating and resolving drug-alcohol problems, and referred to a SAP. Any violation of Prohibition Nos. 1-~~3~~or5 ~~shall~~may result in immediate dismissal, pursuant to the District's independent authority and discretion, unless prohibited by applicable law, unless the General Manager determines mitigating circumstances may warrant alternative disciplinary action.

If the ~~d~~Driver is not discharged, the ~~d~~Driver must provide documentation from a SAP that the ~~d~~Driver is successfully participating in and/or has completed any and all treatments, evaluations, counselings and rehabilitation programs, and pass return to duty tests, before the ~~d~~Driver can return to duty.

2. If a ~~d~~Driver takes an alcohol test that results in an alcohol concentration of .02 or more, but less than .04, the ~~d~~Driver will be removed immediately from the performance of safety-sensitive functions for at least 24 hours, or the start of the ~~d~~Driver's next regular shift (whichever is later). Depending on the circumstances, the ~~d~~Driver may also be advised of available resources for evaluating and resolving



drug-alcohol problems, be referred to an SAP, and/or be disciplined, up to and including termination of employment (pursuant to the District's independent authority).

3. Non-Driver Employees who test positive or otherwise violate the District's Drug and Alcohol policy ~~shall be~~ are subject to disciplinary action, up to and including immediate termination, pursuant to the District's independent authority and discretion, except as otherwise prohibited by applicable law. , unless the General Manager determines mitigating circumstances may warrant alternative disciplinary action. Depending on the circumstances, a An Employee's continued employment, reinstatement or return to work may be conditioned on the Employee's successful participation in and/or completion of any and all treatments, evaluations, counselings, and rehabilitation programs, passing of return to duty tests, and/or other appropriate conditions as determined by the District.
4. Non-Driver Employees who take an alcohol test that results in an alcohol concentration of .02 or more, but less than .04, will be advised of available resources for evaluating and resolving drug-alcohol problems and may be referred to a SAP, and subject to appropriate disciplinary action and/or appropriate conditions as determined by the District.
5. Applicants who fail or refuse to cooperate in a post-offer/pre-employment drug test will not be hired unless prohibited by applicable law, and, pursuant to the District's independent authority, will not be allowed to reapply for six (6) months.

#### VIII. SUMMARY OF ALCOHOL TESTING PROCEDURES

1. If an eEmployee is subject to alcohol testing, the eEmployee will be sent or driven to a District designated testing facility where he/she will have to verify himself/herself and certify that he/she has been correctly identified on a DOT breath testing form. A different breath testing form will be used if the eEmployee is tested pursuant to the District's independent authority.
2. The collection and testing will be conducted in a private setting by trained technicians (BAT's), using DOT-approved devices (EBT's) that display and print test results. The eEmployee may ask the BAT for identification. The EBT's are regularly calibrated.
3. A screening test will be done first. Using a new mouthpiece, the eEmployee will be required to exhale until the BAT tells the eEmployee to stop. The BAT will show the eEmployee the results. The printed results must match the displayed results, or the test is invalid. If the screen test result is less than .02, the eEmployee will have passed the alcohol test.
4. If the result is .02 or greater, the eEmployee will have to take a confirmation test after a waiting period of 15-30 minutes. During that waiting period, for the eEmployee's own benefit, the eEmployee should not put anything in his/her mouth or belch (so that the confirmation test will not measure mouth alcohol levels).

5. Before (and after) the confirmation test, the BAT will run "air blank" tests to see if the EBT is working correctly. If they do not measure 0.00, the eEmployee will be tested using another EBT or testing will be cancelled.
6. For the confirmation test, the eEmployee will also have to exhale until the BAT tells the eEmployee to stop. The eEmployee will be shown the printed and displayed results. If they do not match, the test will be invalid. The results of the confirmation test, not the screen test, will determine what happens to the eEmployee. A result under .02 means the eEmployee has passed. If the result is .02 or more, or if the eEmployee refuses to cooperate, the eEmployee is subject to the Consequences described above.
7. If the eEmployee fails to provide an adequate breath specimen, the BAT will tell the eEmployee to try again. If the eEmployee still does not provide an adequate specimen, the eEmployee's failure will be noted on the breath testing form, the testing will stop, -and the District will be informed. The eEmployee will be suspended and not reinstated until the eEmployee supplies a note from -his/her doctor stating that it is highly probable a medical condition prevented the eEmployee from providing a specimen. If such a note is provided, the eEmployee will not be disciplined for refusing to cooperate. If no such note is provided, the eEmployee will be deemed to have refused to cooperate. The eEmployee has five (5) calendar days to supply the note.

#### IX. SUMMARY OF DRUG TESTING PROCEDURES

1. If an eEmployee is subject to ~~taking a dDrug tTesting~~, the eEmployee will have to provide a urine specimen at a District designated facility. The eEmployee will be driven or sent there and required to verify his/her identity. The urine specimen will be collected by a trained collection site person (CSP) in accordance with DOT rules, using a DOT custody and control form. A different custody and control form will be used if the eEmployee is tested pursuant to the District's independent authority. Employees and applicants should ensure that the entries on the forms are accurate and that their specimens are identified with the same number as appears on the custody and control form.
2. The eEmployee will be given a collection container and allowed to provide a urine specimen in private unless: the eEmployee submits a specimen which is abnormally cold or hot; the eEmployee submits an apparently altered or adulterated specimen; the eEmployee's prior specimens have been abnormal; or the eEmployee is taking a test after previously failing a test.
3. If the eEmployee does not provide a large enough specimen (at least 45 ml), the CSP will discard the specimen, tell the eEmployee to drink up to 40 ounces, wait up to three (3) hours (depending on DOT rules) and try again to provide a specimen. If the eEmployee still does not provide an adequate specimen after three (3) hours, testing will stop and the eEmployee will be removed from duty, suspended and sent to the



MRO who will decide whether the eEmployee was legitimately unable to provide a specimen or refusing to cooperate.

4. If the eEmployee does provide an adequate specimen, it will be poured into two bottles, which will be sealed and labeled with a unique specimen number in the eEmployee's presence. The eEmployee will then be told to initial them. The eEmployee and the CSP will also fill out portions of a custody and control form that identifies the eEmployee, the District and the eEmployee's specimen. For the eEmployee's protection and to ensure that the results are correctly attributed to the eEmployee, the eEmployee should make sure that the entries on the form are accurate.
5. Both specimen bottles will be sent to a federally-certified laboratory for analysis. The bottle that contains the larger amount of urine will be tested. The lab will check the specimen to see if it has been altered, diluted or adulterated. If the eEmployee's specimen is normal, the lab will run a screen test on it. If the screen test is negative, it will report that the eEmployee has passed the drug test. If the screen test is positive, the lab will analyze the specimen using Gas Chromatography/Mass Spectrometry. It will send the results to a MRO.
6. The MRO is a trained doctor the District has retained to review test results and the chain of custody, and to evaluate any explanation the eEmployee may have for the dDrug tTest results. If an eEmployee has a confirmed positive test, the MRO will telephone the eEmployee at the numbers the eEmployee lists on the custody and control form. If the eEmployee believes a mistake was made at the collection site or lab, or on the custody and control form, or that the lab results are caused by foods or medicines, the eEmployee should promptly tell the MRO. The eEmployee should cooperate with the MRO. If the eEmployee does not cooperate, the District will be notified and the eEmployee may be removed from duty and suspended pursuant to the District's independent authority (or not hired, if the individual being tested is an applicant). If the MRO determines there is a legitimate medical explanation for a positive test, the MRO will report a negative test result to the District. If the eEmployee does not provide a legitimate medical explanation for a positive test result, the MRO will verify the test result as positive.
7. If the eEmployee wants the split specimen to be tested by another certified lab at the eEmployee's expense, the eEmployee must tell the MRO within 72 hours of notice of the test results. If that second lab does not find any evidence of the drugs the first lab found, the MRO will cancel the test results and the eEmployee will not be subject to discipline. If the split specimen cannot be tested, the eEmployee will be required to provide another specimen under direct observation. If the second lab confirms a positive test, or that the specimen was adulterated, the eEmployee will be subject to the consequences detailed in this policy. Employees who contest the basis for any discipline after a confirmed positive test above may provide a written statement to the General Manager within 5 calendar days describing the reasons they are contesting the test results and/or any resulting discipline.

8. After completing the medical review process, the MRO will disclose the eEmployee's test results to the General Manager or Administrative Supervisor. The eEmployee can obtain a copy of the test results from him/her.

## X. CONFIDENTIALITY AND RECORDKEEPING

Information and records relating to positive test results, drug and alcohol dependencies, medical restrictions, and legitimate medical explanations provided to the MRO shall be kept confidential and maintained in files separate from eEmployees' personnel files. Such records and information may be disclosed to applicants and eEmployees or any other person designated in writing by an applicant or eEmployee; the District's MRO; an SAP; a physician or other health care provider responsible for determining the medical qualifications of a eDriver under DOT safety regulations; the District's General Manager; the District's supervisors on a need-to-know basis; and where relevant, to a grievance, charge, claim, lawsuit or other legal proceeding initiated by or on behalf of an applicant or an eEmployee.

The District will maintain all records required by the DOT rules and regulations for the requisite time periods.

## XI. EFFECTS AND DANGERS OF ALCOHOL MISUSE AND DRUG USE

Alcohol misuse and use of illegal drugs have a number of serious and harmful effects on health, work and personal life. Those effects are summarized in Appendix 1.

If an eEmployee has a drug or alcohol problem, the eEmployee is encouraged to contact one of the local agencies and programs listed in Appendix 2 for help or assistance. If an eEmployee suspects that a co-worker may have a drug or alcohol problem, the eEmployee should consider contacting one of the agencies or programs listed in Appendix 2 or enlisting the eEmployee's friends or family to help the eEmployee.

## XII. MODIFICATION OR AMENDMENT OF THE DISTRICT'S DRUG AND ALCOHOL POLICY

The District reserves the right to amend or modify its Drug and Alcohol policy to remain consistent with applicable law or for any other reason.

APPROVED: ~~FEBRUARY 7~~ \_\_\_\_\_ DECEMBER 17, 2019

## APPENDIX 1 TO THE DRUG AND ALCOHOL POLICY

### SIGNS AND SYMPTOMS OF A DRUG OR ALCOHOL PROBLEM

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and accidents.

People misusing alcohol and using ~~illegal~~ drugs may experience a number of behavioral problems. Examples include problems relating to or communicating with co-workers and customers, refusing to accept directives from supervisors or other authority figures, sudden changes in attitude, mood or work performance, and changes in personal appearance and hygiene. Drugs and alcohol misuse can also result in a number of health problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, pill bottles, powders and empty alcohol containers. Physical signs and symptoms of use can include:

- marijuana and alcohol odors
- hangovers
- droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
- nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
- needle tracks or blood spots on shirt sleeves
- tremors, racing or irregular heartbeats
- slowed, slurred, rambling or incoherent speech
- coordination problems
- fatigue, lethargy and sleepiness
- depression or anxiety
- neurotic or anxious or paranoid behavior
- slow, delayed or erratic decision-making and reactions
- jitters, hand tremors or hyper excitability
- loss of concentration or memory

## APPENDIX 2 TO THE DRUG AND ALCOHOL POLICY

### LIST OF AGENCIES AND PROGRAMS

Alcoholics Anonymous

24 Hour Answering Service 630-~~653~~887-~~6556~~8671

(Local Chapters are listed ~~in the telephone directories or~~ at <https://www.aa.org>)

Narcotics Anonymous \_\_\_\_\_ 708-848-4884

(Local Chapters are listed at <http://www.chicagona.org/meetings/>)

Downers Grove Sanitary District – Employee Assistance Program

Telephone Assistance 866-451-5465

(Brochure at: <https://www.dgsd.org/wp-content/uploads/EAP-Brochure.pdf>)

~~For employees enrolled in the District's health insurance plan, call the member assistance number listed on the employee insurance identification card.~~