

Vermilion County Alcohol and Drug Policy--Revised January 2020

It is the goal of the county to foster a work environment free from the mind altering effects of drugs and alcoholic beverages. Use of alcohol and drugs which could alter employee's judgment and resulting in increased risks workplace injuries and faulty decision making is prohibited. This includes working while under the effects of legal marijuana usage. This policy does not prevent department heads or elected office holders from additional restrictions on drug and/or alcohol use.

The county may conduct unannounced inspections for controlled substances, marijuana or alcohol of any office county property. All personal property which may be on county premises; employees shall cooperate with such inspection or be subject to discipline including termination.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession or prescribed medications, including medicinal cannabis. Employees must, however, consult with their doctors about the medications' effects on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor.

Any employee who violates the drug policy is subject to discipline and/or termination.

DRUG TESTING:

The county retains the right to require the following tests.

Pre-employment:

Applicants must pass upon request a drug test upon acceptance of an offer of employment and before beginning work. Positions governed by the Department of Transportation and other federally regulated (49 CFR 40.151(e)), safety-sensitive positions will require applicants to test negative for illegal substances as well as cannabis. A positive test for cannabis that would result in the County losing a federal or state contract will result in disqualification of further employment consideration. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion:

Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Management must use the Reasonable Suspicion Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs, alcohol or legal substances that are adversely affecting the employee's ability to safely and effectively perform their job duties.

Examples include:

- Specific personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
- Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s)/manager(s) to believe the employee's functioning is impaired;
- Admission of use of alcohol and/or drugs;
- Observation or reports of observation of the employee using alcohol or drugs; or
- Other physical, circumstantial, or contemporaneous indicators of impairment.

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal to cooperate by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

If discipline results due to the suspicion that the employee is under the influence or impaired by cannabis, the County will afford the employee a reasonable opportunity to contest the basis of the determination.

Testing Procedure:

Testing will include the following substances or their metabolites:

- Marijuana
- Cocaine
- Opioids
- Phencyclidine (PCP)
- Amphetamines
- Alcohol and/or
- Any other controlled substance under the Controlled Substances Act of 1970.

Safeguards and Confidentiality: The drug screen analysis is accomplished through split urinalysis testing. Alcohol testing may be through breath testing. Test results under this Policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody, and maintain confidentiality. If the employee elects to have someone other than Vermilion County's selected provider administer the drug test it will be at the employee's expense. If the employee is to take the test off-site, under no circumstances will the employee be allowed to drive him or herself to the testing facility. A member of management must transport the employee or arrange for a ride and arrange for the employee to be transported home.

Sample Taken: At the time the sample is taken the employee will be asked to empty their pockets go to the restroom provide a sample and a temperature will be taken of the sample before it is taken to the drug testing lab and secured. All samples will be tested pursuant to lab protocol and all information will remain confidential.

Results:

1. **Positive:** If the results exceed the permitted levels for any of the five drugs tested or if the breath alcohol test comes back positive, a second confirmatory test will be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported to the employer for review and analysis. The employer will contact the employee personally, in the case of a positive result. The employer has the responsibility of reporting to the Human Resources Director whether the test results are positive or negative.

2. If applicable an applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing to the testing facility and Human Resources within 72 business hours of notification of a confirmed positive test result.

In the event the applicant or employee is unable to successfully produce a sample for testing, the applicant or employee will be required to re-test.

3. **Negative:** If the results of the initial test are negative, the testing laboratory will report the results to the employer retained by the testing company. The employer or the testing laboratory reports the negative results to Human Resources Director. In this instance, no additional tests on the specimen will be done.

Definitions:

"Company premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Vermilion County, or any site on which the County is conducting business, regardless of whether such location is owned or operated by the County.

"Controlled Substance" is a substance which is defined as a controlled substance in the Illinois Controlled Substance Act (720 ILCS 570/1 et seq).

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

Approved by the Executive/Legislation Committee on 01/09/2020

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