

**MT. ZION LIBRARY  
SUBSTANCE ABUSE / DRUG POLICY**

**POLICY:**

Mt. Zion Library (hereafter referred to as the "Library") has a vital interest in maintaining a safe and healthy work environment and in protecting the safety and well-being of our customers, employees, and others by providing a workplace that is free from drug-related activity on the part of our employees. Drug-related activity includes, but is not limited to:

- The use, possession, sale, or distribution of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating employer's vehicles, machinery or equipment.
- Being under the influence of drugs or alcohol while the employee is on the employer's premises or operating employer's vehicles, machinery or equipment.
- Sustaining a personal injury or causing another employee, customer, or visitor to be injured while performing work-related duties, and the injury can reasonably be determined to be a result of the employee being under the influence of drugs or alcohol.
- Having caused a work-related accident while operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident, and the injury/damage can reasonably be determined to be a result of the employee being under the influence of drugs or alcohol.

For the purposes of this policy, a "drug" shall include any of the following:

- Any prescribed medication, including medical cannabis prescribed under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et. seq.*).
- Any illegal or un-prescribed controlled chemical substance.
- Any substance causing unusual or abnormal behavior which adversely affects the employee's work performance (as further described in Section 2 below).
- Cannabis whether obtained legally or illegally

**IMPLEMENTATION:**

The use of illegal drugs, or the participation in any drug-related activity by our employees is not acceptable.

The Library's substance abuse testing policy is pursuant to the Federal and Illinois State Drug-Free Workplace Act.

Substance abuse testing will be required in the following circumstances:

**1. Reasonable Suspicion Testing**

When an employee is reasonably suspected by one or more Library employees or Library staff of violating this policy, the employee will be directed to substance abuse testing. "Reasonable Suspicion" is defined as a reasonable basis for forming a belief that is based on facts with rational inferences drawn from the facts. A Library employee may be considered impaired when he or she manifests specific, articulable symptoms while working that decrease or lessen the performance of his or her job duties. Said symptoms include, but are not limited to, symptoms related to the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, involvement in an accident that results in serious damage to equipment or property, or carelessness that results in an injury to the employee or others.

With regard to "Reasonable Suspicion," an employee refusing testing will be discharged. Testing will be done by a qualified healthcare professional during their business hours.

Substance abuse testing may include a urine drug screen (threshold of 50 nanograms per mL for medical cannabis prescription holders), breath alcohol test (threshold of .02), or the analysis of a body component and sample for the purpose of measuring the presence or absence of drugs, alcohol or their metabolites. If the screen indicates the presence of alcohol, a confirmatory test will be done immediately.

Employees involved in motor vehicle accidents or associated with a work-related injury involving the use of any Library equipment will automatically be required to undergo immediate substance abuse testing as mentioned in the preceding paragraph.

## **2. Accident or Near-Miss Accident**

Employees may be tested at any time following an accident or a near-miss accident. An accident is an event involving an employee which causes injury, damage to property, or both. A near-miss accident is an event which does not cause injury or damage but had the potential to result in physical injury or property damage. Accident or near-miss accident testing will include a urine drug screen (threshold of 50 nanograms per mL for medical cannabis prescription holders) and may include a breath alcohol test (threshold of .02). If the screen indicates the presence of alcohol, a confirmatory test will be done immediately.

Positive test results will have the same consequences, options and procedures as reasonable suspicion set forth above.

### **PROCEDURES AND DISCIPLINE:**

The Library's Substance Abuse Policy is developed with a high level of sensitivity for the rights of citizens, employees, co-workers, visitors and the Library. The following items are listed to provide protocol that is easily understood and ensures a fair, consistent and equitable regard for all parties.

#### **A. Negative Initial Test Results**

If the initial screening test produces a negative test result, the employee may return to scheduled work and will be paid for any scheduled work time lost. Additionally, written notice will be given to the employee within three (3) working days after receipt of the test result report and the employee will be notified that he or she has the right to request and receive a copy of the test report.

B. Positive Initial Test Results

If the initial screening test produces a positive test result, the employee will be suspended without pay and will be subject to further disciplinary action up to and including termination. A secondary confirmatory test may be conducted at the employee's election and expense. If the confirmatory test is negative, the employer will send written notice of this fact to the employee within three (3) working days after receiving the result.

If the result of the confirmatory test is positive, the Library will do the following before disciplinary action can be taken:

1. Send written notice to the employee of the positive test result within three (3) working days of receiving it;
2. Inform the employee of his/her right to receive a copy of the test result;
3. Inform the employee of his/her right to explain a positive test result;
4. Inform the employee of his/her right to request a retest of the original sample at the employee's expense.

C. Confirmatory Retests

If the employee chooses to request a confirmatory retest, the employee has five (5) working days to notify the employer of this request in writing. Within three (3) days of the receipt of the request, the Library will notify the original testing laboratory that it is to conduct a confirmatory retest or transfer the sample to another NIDA laboratory for retesting.

The Library's policy provides that the confirmatory retest must use the same drug and alcohol threshold detection levels to the limit of detection as used in the confirmatory test and if the confirmatory retest does not confirm the original positive test result, no adverse employment action will be taken. The employee/job applicant assumes all responsibility for the costs of a confirmatory retest.

An employee who is suspended without pay will be reinstated with back pay to replace all lost scheduled hours if the outcome of the confirmatory test or retest is negative. As to job applicants, a positive test result will be verified by a confirmatory test before a conditional offer of employment will be withdrawn.

No adverse personnel action will be taken against an employee or applicant based on a positive test result on an initial test if the employee or applicant has requested a confirmatory retest and the retest does not confirm the initial test result.

D. Privacy

Test results and other information acquired in the drug testing process are considered "private and confidential" information and may not be disclosed by the Library or the testing laboratory to another employer or to third-party individuals, governmental agencies, or private organizations without the written consent of the employee or job applicant being tested.

**RIGHTS OF REFUSAL:**

Job applicants or employees have the right to refuse to undergo the Library's substance abuse testing. Job applicants who refuse such testing will have their conditional job offer withdrawn. Employees refusing such testing will be discharged.

The Library and the undersigned employee agree to the terms and conditions of the foregoing Substance Abuse/Drug Testing policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Name (Print)

**Approved by Library Board January 14, 2020**