

APPENDIX A DRUG AND ALCOHOL TESTING POLICY AND PROCEDURES

Section A. 1 General Policy Regarding Drugs and Alcohol

The use of illegal drugs and the abuse of legal drugs and alcohol by District employees present unacceptable risks to the safety and well-being of other employees and the public, invite accidents and injures, and reduce productivity. In addition, such conduct violates the reasonable expectations of the public that the employees who serve them obey the law and be fit and free from the effects of drug and alcohol abuse.

In the interests of employing persons who are fit and capable of performing their jobs, and for the safety and well-being of students, employees and residents, the District and the Union agree to establish a program that will allow the District to take the necessary steps, including drug and/or alcohol testing, to implement the general policy regarding drugs and alcohol.

Section A. 2 Definitions

- A. "Drugs" shall mean any controlled substance(s) listed in the Illinois Compiled Statutes, 720 ILCS 570/101 et. seq. also known as the Illinois Controlled Substances Act, for which the person tested does not submit a valid pre-dated prescription. In addition, it includes "designer drugs" which may not be listed in the Illinois Controlled Substances Act but which have adverse effects on perception, judgment, memory or coordination.

Some drugs covered by this policy include:

Opium	Methaqualone	Psilocybin-Psilocyn
Morphine	Tranquilizers	MDA
Codeine	Cocaine	PCP
Heroin	Amphetamines	Chloral Hydrate
Meperidine	Phenmetrazine	Methylphenidate
Marijuana	LSD	Hash
Barbiturates	Mescaline	Hash Oil
Glutethimide		

- B. The term "drug abuse" includes the use of any controlled substance which has not been legally prescribed and/or dispensed, or the abuse of a legally prescribed drug which results in Impairment while on duty.
- C. "Impairment" due to drugs or alcohol shall mean a condition in which the employee is unable to properly perform his/her duties due to the effects of a drug or alcohol in his/her body. When an employee tests positive for drugs or alcohol, Impairment is presumed.

Section A.3 Prohibitions

Employees shall be prohibited from:

- A. Consuming or possessing alcohol or illegal drugs at any time during the workday on any of the District's premises or job sites, including all of the District's buildings, properties, vehicles and the employee's personal vehicle while engaged in District business.
- B. Using, selling, purchasing or delivering any illegal drug during the workday or when off duty.
- C. Being under the influence of alcohol or prohibited drugs during the course of the workday.
- D. Failing to report to their supervisor any known adverse side effects of medication or prescription drugs which they are taking.

Violations of these prohibitions shall result in disciplinary action up to and including discharge.

Section A. 4 The Administration of Tests

A. Informing Employees Regarding Drug Testing

All current employees will be given a copy of the drug and alcohol testing policy upon execution of the Agreement between the parties. All newly hired employees will be provided with a copy at the start of their employment. In addition, this policy shall be placed as an appendix to the collective bargaining contract.

B. Pre-Employment Screening

Nothing in this policy shall limit or prohibit the District from requiring applicants for bargaining unit positions to submit blood and urine specimens to be screened for the presence of drugs and/or alcohol prior to employment.

C. When A Test May Be Compelled

There shall be no random, across-the-board or routine drug testing of employees, except as provided by Section A. 9. Where there is reasonable suspicion to believe that an employee is impaired due to being under the influence of drugs or alcohol while on duty, that employee may be required to report for drug/alcohol testing. When a supervisor or management employee has reasonable suspicion to believe that an employee is impaired due to being under the influence, that supervisor or manager shall confirm that suspicion prior to any order to submit to drug/alcohol testing. In the absence of the other supervisor or manager, confirmation of reasonable suspicion shall be made by the Superintendent or his/her designee. At the time the employee is ordered to submit to testing, the District shall notify the Union representative on duty and if none is on duty, the District shall make a reasonable effort to contact an off-duty Union representative. Refusal of an employee to comply with the order for a drug/alcohol screening will be considered as a refusal of a direct order and will be cause for disciplinary action up to and including discharge.

It is understood that a drug or alcohol test may be required under the following conditions:

1. When an employee has been arrested or indicted for conduct involving illegal drug-related activity on or off duty.
2. When an employee is involved in an on-the-job injury causing reasonable suspicion of illegal drug use or alcohol abuse.
3. When an employee is involved in an on-duty motor vehicle accident where there is reasonable suspicion of illegal drug use or alcohol abuse.
4. Where an employee has experienced excessive absenteeism or tardiness under circumstances giving rise to a suspicion of on duty drug or alcohol abuse.
5. Where there is reasonable suspicion to believe that an employee is impaired due to being under the influence of drugs or alcohol while on duty.

The above examples do not provide an exclusive list of circumstances which may give rise to testing. Other circumstances may give rise to testing provided they conform to the reasonable suspicion standard.

D. Reasonable Suspicion Standard

Reasonable suspicion exists if the facts and circumstances warrant rational inferences that a person is impaired by alcohol or controlled substances. Reasonable suspicion will be based upon the following:

1. Observable phenomena such as direct observation of use and/or the physical symptoms of impairment by alcohol or controlled substances;
2. Information provided by an identifiable third party which is independently corroborated.

E. Order to Submit to Testing

At the time an employee is ordered to submit to testing authorized by this Agreement, the District shall provide the employee with the reasons for the order. A written notice setting forth all of the objective facts and reasonable inferences drawn from the facts which formed the basis of the order to test will be provided in a reasonable time period following the order. The employee shall be permitted to consult with a representative of the Union at the time the order is given, provided that such a representative is available. A refusal to submit to such testing may subject the employee to discipline, but the employee's taking of the test shall not be construed as a waiver of any objection or rights that he/she may have. When testing is ordered, the employee will be removed from duty and placed on leave with pay pending the receipt of results.

Section A. 5 Conduct of Tests

In conducting the testing authorized by this Agreement, the District shall:

- A. Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory Act that has and/or is capable of being accredited by the National Institute of Drug Abuse (NIDA).
- B. Insure that the laboratory or facility selected conforms to all NIDA standards, including blind testing.
- C. Use of tamper-proof containers, have a chain-of-custody procedure, maintain confidentiality, and preserve specimens for a minimum of twelve (12) months. The laboratory or facility must be willing to demonstrate their sample handling procedures to the Union at any time. The laboratory or facility shall participate in a program of "blind" proficiency testing where they analyze unknown samples sent by an independent party. The laboratory or facility shall make such results available to the Union upon request. All testing shall be by chemical analysis of a urine sample by gas chromatography/mass spectrometry (GS/MS). At the time a urine specimen is given, the employee shall be given a copy of the specimen collection procedures; the specimen must be immediately sealed, labeled and initialed by the employee to ensure that the specimen tested by the laboratory is that of the employee. 1. Collect a sufficient sample of the same bodily fluid or material from an employee to allow for initial screening, a confirmatory test and a sufficient amount to be set aside reserved for Inter testing if requested by the employee.
- D. Collect samples in such manner as to ensure a high degree of security for the sample and its freedom from adulteration.
- E. Confirm any sample that tests positive in the initial screening for drugs by testing a second portion of the same sample by gas chromatography plus mass spectrometry or an equivalent or better scientifically accurate and accepted method that provides quantitative 'data about the detected drug or drug metabolites.
- F. Provide the employee tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the employee's own choosing, at the employee's own expense, provided the employee notifies the District Manager in writing within seventy-two (72) hours of receiving the results of the tests of the employee's desire to utilize another laboratory or hospital facility.
- G. Require that with regard to alcohol testing, for the purpose of determining whether the employee is under the influence of alcohol, test results that show an alcohol concentration of .04 or more (or such lesser concentration as may hereafter be established by Illinois state statute for the application of prohibitions against driving while intoxicated) based upon the grams of alcohol per 100 millimeters of blood be considered positive.
 1. Provide each employee tested with a copy of all information received by the District in connection with the testing and the results; and

- 2. Provide each employee tested with a copy of all reports received by the District in connection with the testing and the results;

- J. Insure that no employee is subject to any adverse employment action except emergency temporary reassignment with pay or relief from duty with pay during the pendency of any testing procedure. Any such reassignment from duty shall be immediately discontinued in the event of a negative test result, and all records of the testing procedure will be expunged from the employee's personnel files.

- K. Require that the laboratory or hospital facility report to the District that a blood or urine sample is positive only if both the initial and confirmatory test is positive for a particular drug. The parties agree that should any information concerning such testing or the results thereof be obtained by the District inconsistent with the understanding expressed herein, the District shall not use such information in any manner or forum adverse to the employee's interest.

- L. Engage the services of a medical expert experienced in drug testing to design an appropriate questionnaire to be filled out by an employee being tested to provide information of food and medicine or other substances eaten or taken by or administered to the employee in the event of a positive test results and to interview the employee in the event of a positive test results to determine if there is any innocent explanation for the positive reading.

Section A. 6 Cutoff Levels

The following minimum initial cutoff levels shall be used when screening specimens to determine whether they are negative for the five (5) drugs or classes of drugs:

Initial Test Level

Marijuana metabolites.....	50ng/ml
Cocaine metabolites.....	300ng/ml
Opiate metabolites.....	300ng/ml
Phencylidine.....	25ng/ml
Amphetamines.....	100ng/ml

All specimens identified as a positive during the initial screening test shall be confirmed using GC/MS techniques at the minimum cutoff levels listed below.

Confirmatory Test Level

Marijuana metabolites.	15 ng/ml
Cocaine metabolites	150 ng/ml
<u>Opiates</u>	
Morphine	300 @ml
Codeine	300 ng/ml
Phencyclidine	25 ng/ml
<u>Amphetamines</u>	
Amphetamine...	500ng/ml
<u>Methamphetamine</u>	
Delta-9-tetrahydrocannabinol-9-carboxylic acid	500ng/ml
Benzoyllecgonine	500ng/ml

The minimum cut off level have been established based on Department of Health and Human Services recommendations. It is understood that changes in technology and/or the need to detect the presence of other prescription or illegal drugs may necessitate the adoption of new or changed cutoff levels. Should such changes or need arise the parties agree to meet promptly to negotiate with respect to the levels to be adopted. If no agreement is reached within sixty (60) days, the District may, for good cause (e. g., NIDA or Health and Human Services recommendations), implement new **or** changed cutoff levels on an interim basis while negotiations are being conducted, subject to challenge by the Union through the grievance procedures.

Section A. 7 Right to Contest

The Union and/or the employee, with or without the Union, shall have the right to file a grievance concerning any testing permitted by this agreement.

Section A. 8 Voluntary Request for Assistance

The District shall take no adverse employment action against an employee who voluntarily seeks treatment, counseling or other support for an alcohol or drug related problem, unless the request follows the order to submit to testing or unless the employee is found using illegal drugs or under the influence of drugs or alcohol. If the employee **is** then unfit for duty in his current assignment, the District may authorize sick leave or other assignment if it is available and for which the employee is qualified and/or is able to perform. The District shall make available through its Employee Assistance Program (EPA)a means by which the employee may obtain referrals and treatment. All such requests shall be confidential. When undergoing treatment and evaluation, employees shall be allowed to use accumulated sick and/or paid leave and/or be placed on unpaid leave pending treatment. Such leaves cannot exceed one (1) calendar year.

Section A. 9 Discipline

- A. Falsification of any document or information or failure to cooperate shall be considered grounds for discipline, up to and including discharge.
- B. Employees who have been found positive for drugs or have admitted to having a drug or alcohol problem, must follow the rules below:

1. You must admit yourself into a medically supervised drug or alcohol treatment program immediately.
2. Upon release from such program with clearance to work (a written medical release is required), the employee is made aware that he/she is open to random and probable cause drug testing by the department.
3. If the employee takes any absence from work (i.e., calling in sick, no-call, and no-show), the employee shall be responsible to report to a lab as designated in this policy for a drug screening within twenty-four (24) hours from the time the employee should have been at work. This requirement is automatic and does not require notification by the District that the employee must get a drug test.