

Policy No. 2020-01

**FRANKLIN COUNTY
ZERO TOLERANCE DRUG AND
ALCOHOL-FREE WORKPLACE
GOVERNMENTAL POLICY**

ZERO TOLERANCE DRUG AND ALCOHOL-FREE WORKPLACE

Franklin County has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug use and abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Franklin County is committed to the elimination of drug and alcohol use and abuse in the workplace through the adoption of a zero-tolerance drug and alcohol workplace policy.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Franklin County. Employees shall be informed of the dangers of drug and alcohol abuse in the workplace and about the Franklin County policy of maintaining a drug and alcohol-free workplace.

WORK RULES

The following work rules apply to all employees. Whenever employees are working, are operating any Franklin County vehicle, are present on company premises, are on-call with more than 24 hours notice that they will be on-call, or are conducting related work off-site, they are prohibited from:

1. Using, possessing, buying, selling, manufacturing or dispensing any illegal drug or paraphernalia;
2. Being under the influence of alcohol or any illegal drug as defined in this policy;
3. Smoking, consuming, storing, or otherwise using cannabis in the workplace;
4. Being under the influence of prescribed medications that adversely affect the employee's ability to safely and effectively perform their job duties.
5. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing County business or while in a County facility is prohibited.

Employees shall report to work fit for duty and free of any adverse effects of illegal drugs and alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications, including medicinal cannabis. The County and employee must adhere to all provisions of the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130). Franklin County will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed or be prepared to produce it if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

REQUIRED TESTING

Franklin County retains the right to require the following tests.

Pre-employment

Applicants may be required to pass 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 40.152(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 may be subject to testing based on observations by a supervisor or department head of apparent workplace use, possession or impairment. Management must use the Reasonable Suspicion Observation Checklist below 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.

- ___ Odors (smell of alcohol, smell of cannabis)
 - ___ Movements (Unsteady, dizzy, fidgety, poor dexterity problems)
 - ___ Eyes (dilated, constricted, watery eyes, involuntary eye movements, bloodshot eyes)
 - ___ Face (flushed, sweating, confused or blank look)
 - ___ Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts)
 - ___ Emotions (drowsy, irritable, agitated, excessive laughing, argumentative)
 - ___ Actions (repeating the same task or questions over and over again, twitching)
 - ___ Inactions (Sleeping, unresponsive to questions, unconscious)
 - ___ Negligence or carelessness in operating equipment or machinery
 - ___ Disregard for the safety of the employee or others
 - ___ Involved in any accident that results in serious damage to equipment or property
 - ___ Disruption of the employee's duties
 - ___ Carelessness that results in any injury to the employee or others
 - ___ List other signs that lead to reasonable suspicion _____
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When reasonable suspicion testing is warranted management and HR, in the event the county hires someone for Human Resources, will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee to undergo such testing 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.

Under NO CIRCUMSTANCES will the employee be allowed to drive himself or herself to the testing facility or to their home. A member of management must transport the employee to the testing and then arrange for the employee to be transported home.

Random

Franklin County may randomly drug test employees for compliance with its drug-free workplace policy. Testing must be completed on the same workday the employee was selected, absent extenuating circumstances. In all circumstances, testing must be completed within 24 hours of selection. If an employee selected for testing is unavailable for a legitimate reason such as an extended medical absence, those circumstances will be documented by management for failing to test. The County has no discretion to waive the selection of an employee selected at random.

Employees must advise the testing lab of all prescription drugs taken in the past month before the test and must be prepared to show proof of such prescriptions upon request. Where the employee believes that the positive test result was affected by taking lawful or prescribed substances not in violation of company policy, the employee may be suspended without pay pending substantiation of the employee's claims. Employees will be provided no more than five business days in which to produce this additional information.

Post-accident/Injury

Employees are subject to testing when they cause or contribute to accidents that seriously damage a County vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee was operating a motorize vehicle (including any county forklift, truck, car, van, crane, or man-lift) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive drug test and will result in immediate termination of employment.

Under NO CIRCUMSTANCES will the employee be allowed to drive himself or herself to the testing facility or to their home. A member of management must transport the employee to the testing and then arrange for the employee to be transported home.

Collection and testing Procedures

Employees subject to alcohol testing will be transported to a Franklin County designated facility and directed to provide breath specimens. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the county's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

Applicants and employees subject to drug testing will be transported to a Franklin County designated testing facility and direct to provide blood and/or urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a certified laboratory and tested for evidence of cannabis (blood specimens only), cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone, methamphetamine, and propoxyphene use. Specimens may be tested for other illegal drug use at the county's request. The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time the specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to the county. The department head, or a medical review officer retained by the county, will receive the results and will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask to that their split specimen sent to another certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of receiving notice of the test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event shall an employee be terminated until the test has been confirmed to be positive.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the county believes he or she is impaired, under no circumstances with the employee be allowed to drive himself or herself home. Employees who test positive, or otherwise violate this policy, will be terminated. Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug and alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management, a union representative (if requested), the employee, and if employed by the county a Human resources Officer. Should the results prove to be negative, the employee shall receive back pay for the time of suspension.

Inspections

Franklin County reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including termination.

Crimes Involving Drugs

Franklin County prohibits all employees from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over-the-counter drugs. Law Enforcement personnel shall be notified, as appropriate, when criminal activity is suspected. Each employee agrees to notify his or her supervisor of any conviction for a criminal drug statute for a violation occurring on the department premises or while performing work for the department no later than five days after a conviction.

Enforcement

County Officials are responsible for policy enforcement, administration, and interpretation.

Definitions

“Company premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Franklin County or any site on which the County is conducting business.

“Controlled Substance” is a substance which is defined as a controlled substance in the Illinois Controlled Substance Act (720 ILCS 570/1) and also includes Methamphetamine.

“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 specimens 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 termination.

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

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs, by prescription or over-the-counter, when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment.

Drug and Alcohol Policy Certificate of Receipt

I hereby certify that I have received a copy of Franklin County's Drug and Alcohol Policy and that I will abide by the terms of that policy.

Employee's Signature

Date

Approved Tuesday, February 18, 2020 and signed:

Randall Cook 2-21-20
Franklin County Board Chairman Date

ATTEST:

Jay Muel 2-21-2020
Franklin County Clerk Date