

A. ALCOHOL AND DRUG ABUSE POLICY

The Oak Lawn Park District has implemented this policy in response to overwhelming evidence that alcohol and drug abuse has a detrimental impact on employees' health, job performance, safety, and efficiency. Park District employees operate, supervise and maintain parks, facilities, programs, and equipment for use by members of the public and perform services that may have a direct effect on the health and safety of members of the public and fellow employees. Therefore, in an effort to maintain the high standards of health and safety to which we are committed, we have defined our policy and rules of acceptable conduct in this sensitive area.

This policy also expresses the Park District's desire to satisfy the requirements of the federal and state Drug Free Workplace Acts (41 U.S.C.A. § 701 et seq. and 30 ILCS 580/1 et seq.). In accordance with these statutes and concerns, the Park District has resolved to maintain a drug free workplace.

The purpose of this policy is to inform employees of the Park District's investigation, treatment and disciplinary policy relating to alcohol and drugs. As such, all Park District employees are expected to abide by its terms. As with all policies in this Manual, this policy is subject to periodic addition, modification, or deletion.

This policy does not replace any of the provisions or requirements of the Park District's Controlled Substance and Alcohol Testing Policy for positions that require a Commercial Driver's License (CDL). The Alcohol and Drug Procedures for CDL Employees Policy is distributed to those employees whose positions require a CDL, and is available online at the Park District's web site.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited on Park District Property or while acting on behalf of the Park District.

For purposes of this Policy, the following definitions apply:

1. "Alcohol" means any substance containing any form of alcohol, including but not limited to: ethanol, methanol, propanol and isopropanol.
2. "Cannabis" is defined as provided in the Cannabis Control Act (720 ILCS 550/1 et seq.) which provisions are specifically incorporated in this Policy by reference.
3. "Controlled Substance" means a controlled substance in schedules I through V of section 812 of Title 21 of the United States Code, which provisions are specifically incorporated in this Policy by reference.
4. "Criminal Drug Statute" means a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or cannabis.
5. "Director" is the Executive Director of the Oak Lawn Park District.

6. “District Property” means any building, park, gym, pool, office, common area, open space, vehicle, parking lot, or other area owned, leased, managed, used or controlled by the Park District. District Property also includes property used by Park District patrons while on Park District sponsored events or field trips or property of others when presence thereon by the Park District employee is related to employment with the Park District.
7. The use of the term “Drug” in this policy refers to both legal and illegal controlled substances unless the legal use is pursuant to the instruction of a medical professional licensed to prescribe or advise individuals on the use of drugs who has been informed of the employee’s job duties and has advised that the substance does not adversely affect the employee’s ability to safely perform his or her job. The term “drug” also includes, but is not limited to, marijuana, cocaine, PCP, heroin, morphine, amphetamines and barbiturates.
8. “Legal Drugs” mean prescription drugs and over-the-counter drugs which have been obtained legally and are being used in the manner and for the purpose for which they were prescribed or manufactured.
9. “Medical Facility” means any laboratory, clinic, hospital, or other similar entity.
10. “Policy” means this Alcohol and Drug Abuse Policy of the Oak Lawn Park District.
11. “Possess” means to have either in or on an employee’s person, personal effects, desk, files, or other similar area.
12. “Public Safety Responsibility” means a position in which the nature of an employee’s duties is such that impaired perception, reaction time, or judgment may place a member or members of the public or other employees at risk of serious bodily harm, or is responsible for the administration or enforcement of alcohol/drug policies.
13. “Under the Influence” means that the employee is affected by alcohol or drugs in any determinable manner. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, a layperson’s opinion, or the statement of a witness.

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. The Park District will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of the Park District’s drug and alcohol policy or other rules of conduct. Seeking such assistance will not be a defense for violating the Park District’s drug and alcohol policy, nor will it excuse or limit the employee’s obligation to meet the Park District’s policies, rules of conduct, and standards including, but not limited to, those regarding attendance, job performance, and safe and sober behavior on the job. Employees who suffer from alcohol or drug addiction are encouraged to consult voluntarily with Park District management and undergo appropriate medical treatment. Participation in such treatment will be at the employee’s expense, although

some of these expenses may be covered under the employee's group health plan. Please see the Superintendent of Finance and Personnel for details. Park District management will keep such voluntary discussions and medical treatment confidential to the extent possible.

The Park District may require employees whose job functions require them to operate or maintain vehicles or machinery, handle hazardous or toxic materials or substances of any kind, or have Public Safety Responsibility to be screened or tested on a random basis, or may require any employee to be screened or tested following a work place accident involving a possible violation of safety rules, during and after an employee's participation in an alcohol or drug counseling or rehabilitation program, or upon reasonable suspicion that the employee is under the influence of alcohol or drugs. The screening or testing will be conducted by a medical facility selected by the Park District at the Park District's expense. The screening or testing may require an analysis of the employee's breath, urine and/or blood or such similar substance as the medical facility may recommend. If an initial test is positive, a second test will be conducted from the same sample. Employees will be given the opportunity, prior to the second test, to disclose the use of legal drugs and to explain the circumstance of their use. A confirmed positive drug and/or alcohol test may result in disciplinary action, up to and including discharge.

Each Park District employee is required to sign a consent form, available through Human Resources. Prospective employees applying for positions that require a commercial driver's license will be required to sign a consent form prior to taking the pre-employment drug screening. Prospective employees for positions that require a pre-employment physical will be required to sign a consent form prior to taking the pre-employment physical.

Each employee and prospective employee may also be required to sign a separate consent form requested by the Medical Facility conducting the screening or testing. Refusal to sign any requested consent form will result in non-hire or disciplinary action up to and including dismissal, as deemed appropriate by the Park District, in its sole discretion, under the circumstances.

If the medical facility recommends treatment, the Park District may, depending on the circumstances as determined in the sole discretion of the Park District, give the employee one opportunity to undergo treatment offered by a clinic or trained professional mutually acceptable to the Park District and the employee.

Participation in such treatment will be at the employee's expense. The employee must enter the treatment program within ten (10) days from the time the treatment is recommended. The Park District may reinstate the employee provided that the employee submits a statement issued by the medical facility certifying successful completion of the treatment program, that the employee is released to return to work, and that the employee agrees to all conditions of reinstatement as determined by the Park District, which may include, but is not limited to, future alcohol and/or drug testing.

Any employee who operates or maintains a vehicle or machinery, handles hazardous materials or substances of any kind, or has public safety responsibility and who has taken a legal drug must report the use of such legal drug to their immediate supervisor if the legal drug may cause drowsiness or if it may alter judgment, perception or reaction time. The employee must

provide to the Park District documentation from the employee's doctor or pharmacist disclosing all potential side effects of the legal drug. The information will be retained by the Park District in a confidential manner and will be disclosed only to persons who need to know. The employee's immediate supervisor, after conferring with the department head or Director, will decide whether or not the employee may safely continue to perform the job while using the legal drug. Failure to disclose the use of such legal drugs may be cause for discipline up to and including dismissal.

Circumstances Under Which Testing Will be Performed:

1. Random Testing

All affected employees will be placed in pool from which random selections for testing will be made. Random testing will be for controlled substances and alcohol, only where job-related and consistent with business necessity.

2. Reasonable Suspicion Testing

When a supervisor has reason to believe that an employee has alcohol or controlled substances in their system they contact another supervisor or management official trained in the signs and symptoms of drug and/or alcohol misuse who will also observe the employee. If both supervisors are in agreement, the employee will be driven to the designated testing facility for alcohol or controlled substances testing as appropriate.

3. Post Accident Testing

An employee who is involved in an on-the-job accident which results in property damage or which requires medical treatment, may be required to take a medically approved test(s), to be given by authorized medical personnel, to determine whether the Park District's drug and alcohol policy has been violated.

4. Return to Duty Testing:

Employees who have not been in the random testing pool for more than 30 days (who have been on a leave of absence, for example) may be subject to alcohol or controlled substances testing upon their return to work.

5. Follow-up Testing

Any affected employee who has refused to test or who has tested positive for controlled substances or greater than 0.04 alcohol content and has been determined by a substance abuse professional to require help in dealing with their substance abuse problem will be subject to follow up testing. Any employee who is convicted of violating any federal or state criminal drug statute must notify the Executive Director within five (5) days of such conviction. For purposes of this notice requirement, a conviction includes a finding of guilt, a no contest plea, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, sale, dispensation, possession or use of any controlled

substance or cannabis. Failure to notify the Executive Director may subject the employee to disciplinary action, up to and including dismissal.

An employee who reports to work or is found during working hours to be or to have been under the influence of alcohol, controlled substances, or cannabis or who manufactures, possesses, uses, sells or dispenses alcohol, controlled substances, or cannabis while on District property or while acting on behalf of the Park District, is convicted of a drug related crime, causes financial or physical damage to the Park District property, its employees or patrons as the result of alcohol or drug abuse, or fails to report the use of legal drugs in accordance with this Policy, will be disciplined in accordance with the Disciplinary Action Section of the Park District's Personnel Manual. In addition to or in the alternative, depending on the circumstances as determined by the Park District in its sole discretion, the Park District may require the employee to successfully complete an alcohol and/or drug abuse assistance or rehabilitation program approved for such purposes by the Park District and by a federal, state or local health law enforcement or other appropriate agency. An employee who participates in a treatment program will be expected to meet job performance standards and comply with all rules established by the Park District. Participation in a treatment program will not, in itself, protect the employee from disciplinary actions should job performance remain unsatisfactory.

In addition to the examples of misconduct that may subject an employee to disciplinary action contained in this Policy and the Manual, the Park District will discipline an employee up to and including dismissal for the following: (1) if the employee refuses to submit to diagnosis, testing or screening upon request of the Park District; (2) if the employee tampers in any way with the specimen given to the medical facility for purposes of alcohol or drug screening or testing; (3) if the medical facility recommends treatment and the employee refuses to undergo such treatment; (4) if, while undergoing treatment, the employee fails or refuses to follow the course of treatment; (5) if the employee, during the course of or following treatment, is again under the influence of alcohol or drugs in violation of this Policy; or, (6) if the employee fails to notify the Executive Director of a conviction for violating any federal or state Criminal Drug Statute in accordance with the "Notice of Conviction" section of this policy.

The Park District reserves the right to inspect packages, bags, briefcases, desks, lockers, automobiles, etc., where there is a reasonable belief that illegal drugs or alcohol may be present on Park District property. An employee's failure to cooperate with an investigation may result in disciplinary action, including but not limited to immediate discharge.

The Park District will maintain medical records relating to alcohol or drug abuse, diagnosis, and treatment confidentially and in a file separate from employees' personnel files. Access will be limited to those who need to know. The Park District will not disclose these records to persons outside the Park District without the employee's consent unless disclosure of the records is necessary for legal or insurance purposes.