



## **HARRISBURG TOWNSHIP PARK DISTRICT DRUG FREE WORKPLACE POLICY**

It is the policy of the Harrisburg Township Park District to maintain a work place that is free from the effects of drug and alcohol abuse. The Harrisburg Township Park District has implemented a Drug Free Workplace Policy in response to overwhelming evidence that alcohol and drug abuse has a detrimental impact on employees' health, job performance, safety, and efficiency. Since Harrisburg Township 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, the Harrisburg Township Park District wishes to maximize the health and safety of its patrons and employees.

This policy expresses the Harrisburg Township 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 Harrisburg Township Park District has resolved to maintain a drug free workplace.

### **I. DEFINITIONS**

The following words shall have the following meanings when used in this Policy.

“District” means HARRISBURG TOWNSHIP PARK DISTRICT.

“Board” means the Board of Commissioners of the District.

“Employee” means any individual in the employ of the District.

“Alcohol” means any substance containing any form of alcohol, including but not limited to: ethanol, methanol, propanol, and isopropanol.

“Cannabis” is defined as provided in the Cannabis Control Act (720 ILCS 550/1 et seq.) and Cannabis Regulation and Tax Act (410 ILCS 705 et seq.), which provisions are specifically incorporated in this policy by reference.

“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.

“Criminal drug statute” means a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or cannabis.

“District property” means any building, land, property, structure, park, gym, pool, office, common area, open space, vehicles or other means of transportation, parking lot, or other area owned, leased, managed, used or controlled by the District. District property also includes property used

by District patrons while on District-sponsored events or field trips or property of others when presence thereon by the District employee is related to employment with the District.

“Drugs” means legal drugs, illegal drugs and controlled substances, including cannabis.

“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.

“Medical facility” means any physician, laboratory, clinic, hospital, or other similar entity.

“Possess” means to have either in or on an employee’s person, personal effects, desk, files, or other similar area.

“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.

“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.

“Policy” means this Drug Free Workplace Policy.

## **II. POLICY / PROCEDURES**

The purpose of this policy is to inform employees of the District’s investigation, treatment and disciplinary policy relating to alcohol and drugs. As such, all District employees will abide by its terms.

Employees are expected and required to report to work on time and to be in an appropriate mental and physical condition for work. To do so, employees must not have alcohol, marijuana/cannabis or illegal drugs in their system. Violators may be subject to disciplinary action, up to and including discharge.

At no time during your service to the District should you be under the influence or in possession of alcohol, marijuana/cannabis or illegal drugs during working hours, including the abuse of legal drugs. Also, if you work on or near vehicles or machinery, handle hazardous materials or substances of any kind, or have public safety responsibilities and you have taken or are under the influence of legal drugs, you must report the use of such legal drugs to your Direct Supervisor if the drug may impact safety or your ability to perform your job.

Any employees who are using prescription drugs that may have adverse side effects that may impact safety or the ability to perform your job should inform their Direct Supervisor or Executive Director as soon as possible.

Employees cannot sell or make transactions involving legal or illegal drugs during work or at District facilities, properties, or in its vehicles. Violators may be subject to immediate disciplinary action, including, but not limited to, discharge. Any sale of legal or illegal drugs during work or on District premises, facilities, or in District vehicles will be treated as gross misconduct, punishable by immediate discharge for the first offense.

Comments:

1. Employee Knowledge

If an employee knows of the possession or use of alcohol, marijuana/cannabis or illegal drugs by another employee, the employee is encouraged to discuss their questions, problems, complaints, or reports with their Direct Supervisor. If the employee feels uncomfortable doing so, or the Direct Supervisor is the source of the problem, report to the Executive Director. If neither of these alternatives is satisfactory, then the employee can direct their questions, problems, complaints, or reports to the President of the Board.

2. Acts Prohibited

The unlawful use, sale, purchase, manufacture, distribution, dispensation, transfer, possession, or presence in one's system of non-prescribed drugs or a controlled substance, including cannabis and alcohol, is prohibited on District property or while acting on behalf of the District.

3. Voluntary Treatment

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. The District will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of the District's Alcohol and Drug Use Policy or other rules of conduct. Seeking such assistance will not be a defense for violating the District's drug and alcohol policy, nor will it excuse or limit the employee's obligation to meet the 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 and drug abuse are encouraged to consult voluntarily with the Executive Director and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense. The Executive Director will attempt to keep such voluntary discussions and medical treatment confidential in accordance with this policy.

4. Screening and Testing

All new employees may be screened or tested. An employee may also be screened or tested following a work place accident, a violation of a safety rule, 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 testing service at a District facility, a drug testing facility or at a medical facility selected by the District at the 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. Employees who undergo alcohol or drug screening or testing will be given the opportunity, prior to the collection of a specimen or other testing, to disclose the use of legal drugs, including marijuana and to explain the circumstance of their use. If an initial test is positive, a second test will be conducted from the same sample. A confirmed positive drug and/or alcohol test may result in disciplinary action, up to and

including discharge. If a test is confirmed positive, the employee has the right to contest. Contesting will follow the guidelines set forth in the Employee Handbook.

Each District employee is required to sign a consent form (see form at the end of this policy); a copy of which will be provided at the time this policy is distributed to the employee.

Each employee and prospective employee may also be required to sign a separate consent form requested by the testing or 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 District, in its sole discretion, under the circumstances.

#### 5. Treatment

If the medical facility recommends treatment, the District may, depending on the circumstances as determined in the sole discretion of the District, give the employee one opportunity to undergo treatment offered by a clinic or trained professional mutually acceptable to the District and 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 of recommendation of treatment. The 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 District, which may include, but is not limited to, future alcohol and/or drug testing.

#### 6. Use of Legal Drugs

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 Direct Supervisor if the legal drug including marijuana/cannabis may cause drowsiness or if it may alter judgment, perception, or reaction time. The burden is on the employee to ascertain from the employee's doctor or pharmacist whether the legal drug may have such a potential side effect. The information will be retained by the District in a confidential manner and will be disclosed only to persons who need to know. The employee's Direct Supervisor, after conferring with the Executive Director, will decide whether the employee may safely continue to perform the job while using the legal drug. Failure to declare the use of such legal drugs may be cause for discipline, up to and including dismissal.

#### 7. Notice of Convictions

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 a 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.

8. Discipline/Penalties for Violation

- a. 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 District, is convicted of a drug related crime, causes financial or physical damage to the 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 subject to disciplinary action, up to and including dismissal. In addition to or in the alternative, depending on the circumstances as determined by the District at its sole discretion, the District may require the employee to successfully complete an alcohol and/or drug abuse assistance or rehabilitation program approved for such purposes by the 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 District. Participation in a treatment program will not, in itself, protect the employee from disciplinary actions should job performance remain unsatisfactory.
- b. In addition to the examples of misconduct that may subject an employee to disciplinary action contained in this policy and the Employee Handbook, the 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 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 Convictions section of this policy.

9. Inspections

In order to assure that employees comply with the prohibition on manufacturing, distributing, dispensing, possessing, or using alcohol, controlled substances, or cannabis, employees may be subject to inspection as follows:

- a. Lockers, desks, files, vehicles, equipment and other containers and property owned or leased by the District and which an employee is permitted to use during employment with the District, are and remain the property of the District. Employees are not permitted to keep controlled substances, cannabis or alcohol in or on such property. Any such property reasonably suspected of having or holding such substances is subject to search by the District.

b. Any refusal to submit to such an inspection will be treated as an act of insubordination and may result in disciplinary action, up to and including dismissal.

10. Checklist

The attached checklist will be used to determine and document reasonable suspicion of a potential violation of drug use in the workplace.

11. Records

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

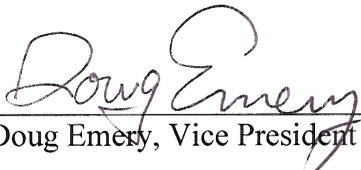
**III. AMENDMENTS**

This Policy may be amended by the District at any time. If the Policy is amended, the District shall file a written copy of the Policy, as amended, with the Board and shall also advise all District employees of the existence of the amended Policy. A copy of the amended Policy will be made available to District employees.

**IV. EFFECTIVE DATE**


This Policy becomes effective APRIL 10, 2020.

  
Richard Rumsey, President

  
Doug Emery, Vice President

ATTEST:

4/10/2020  
Date Signed

  
Michael Williams, Secretary / Treasurer

## Harrisburg Township Park District

### Supervisor Reasonable Suspicion Checklist

Note to the Supervisor: This checklist is used to determine and document reasonable suspicion of a potential violation of drug use in the workplace. It is advised that the supervisor observing the behavior includes another supervisor to witness and each complete a checklist.

#### Information

Please Print

Name of observed employee: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_ Department: \_\_\_\_\_

Employee's phone: \_\_\_\_\_

Referring supervisor's name: \_\_\_\_\_ Title: \_\_\_\_\_

Supervisor's phone (work/cell): \_\_\_\_\_

#### Observed Indicators Checklist

Please indicate the observable behaviors (check all boxes that apply).

##### Physical Indicators

##### **Walking**

- Holding on
- Stumbling
- Unable to walk
- Unsteady
- Staggering
- Swaying
- Falling
- Other: \_\_\_\_\_

##### **Movements**

- Fumbling
- Jerky
- Nervous
- Slow
- Hyperactive

##### **Eyes**

- Watery
- Bloodshot
- Glassy
- Dilated
- Closed
- Droopy eye lids
- Appear normal

##### **Appearance**

- Messy
- Dirty/Stained clothing
- Burns on person/clothing
- Ripped/torn clothing
- Partially dressed
- Puncture marks/  
needle tracks
- Appears normal

##### **Face**

- Red/Flush
- Pale
- Sweaty
- Appears normal
- Slobbering
- Grinding teeth
- Dry mouth
- Runny nose
- Other: \_\_\_\_\_

##### **Speech**

- Whispering
- Slurred
- Shouting
- Incoherent
- Silent
- Rambling
- Slow
- Other: \_\_\_\_\_

##### **Breath/Odor:**

- No alcohol odor
- Faint alcohol odor
- Strong alcohol odor
- Sweet/pungent  
tobacco odor
- Chemical odor
- Marijuana odor
- Breath spray/  
mouthwash/gum
- Other: \_\_\_\_\_

##### **Standing**

- Swaying
- Feet wide apart
- Rigid
- Staggering
- Sagging at knees
- Other: \_\_\_\_\_

**Behavioral Indicators**

**Demeanor**

- Cooperative
- Talkative
- Sarcastic
- Anxious
- Disoriented
- Sleepy
- Polite
- Silent
- Belligerent
- Excited
- Inattentive
- Drowsy
- Calm
- Resisting communication
- Tearful/crying
- Mood changes
- Appears normal
- Other: \_\_\_\_\_

**Actions**

- Fighting
- Erratic
- Threatening
- Non-communicative
- Argumentative
- Profanity
- Hostile
- Hyperactive
- Sleeping on the job
- Other: \_\_\_\_\_

**Additional Facts**

- Presence of alcohol and/or drugs in individual's possessions or vicinity.
  - On the job misconduct by individual (specify): \_\_\_\_\_
  - Individual admission concerning alcohol use and/or drug use or possession.
  - List other witnesses to individual's conduct and summarize what they say they witnessed:
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**Employee's explanation of reasons for his/her conduct**

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\_\_\_\_\_  
Supervisor/Manager Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## CONSENT TO DRUG AND/OR ALCOHOL SCREENING

I understand that I am required to take a drug and alcohol screening test for a variety of reasons as outlined in the District's Employee Handbook. I hereby voluntarily consent to submit to drug and/or alcohol screening or testing by a physician, clinic, laboratory or medical facility chosen by the District at the District's expense. I hereby consent to the physician, clinic, laboratory or medical facility taking and analyzing a sample or specimen of my breath, urine, saliva, blood and other similar substance. I also authorize the physician, clinic, laboratory or medical facility to disclose his, her or its findings, conclusions and opinions regarding the drug and/or alcohol screening or testing to a District official or a designated representative.

I hereby further consent to the District's contacting my physician or pharmacist to verify my reported use of legal drugs in accordance with the District's Drug Free Workplace Policy and authorize my physician or pharmacist to provide all information requested by the District regarding my use of such drugs, including without limitation the possible effects of such use on my performance of my job functions.

I acknowledge receiving, reading and understanding the District's Drug Free Workplace Policy. I understand that, in accordance with this policy, failure to execute this document and submit to drug and/or alcohol screening or testing, or failure to report to the District the use of legal drugs as required by the policy, may result in non-hire or disciplinary action, up to and including termination.

I also understand that positive results of a test is a direct violation of District's policy and may prohibit employment with the District and, if already employed, is grounds for immediate corrective action, up to and including termination.

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

Printed Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_