

ADDENDUM TO THE EMPLOYEE HANDBOOK, RULES AND PROCEDURES

ZERO TOLERANCE #180

(DRUG and ALCOHOL POLICY)

ADOPTED BY THE BOARD OF TRUSTEES

OF THE

VILLAGE OF MT. AUBURN

ON the 3rd DAY OF September, 2019

FILED

DEC 30 2019

COUNTY
CLERK

ADDENDUM TO THE EMPLOYEE HANDBOOK, RULES AND PROCEDURES

ZERO TOLERANCE

(DRUG and ALCOHOL POLICY)

PREAMBLE

WHEREAS this policy is being adopted for the safety of the employees and public related to the consumption of alcohol and drugs (both legal and illegal) during the Course of employment;

WHEREAS the Village Board recognizes that the State of Illinois has recently passed the Cannabis Regulation and Tax Act (hereinafter referred to as the "Act") 410 ILCS 705 *et seq.*;

WHEREAS nothing in the Act prohibits the Village from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner;

WHEREAS nothing in the Act shall requires the Village to permit an employee to be under the influence of or use cannabis in the employer's workplace or while performing the employee's job duties or while on call.

WHEREAS nothing in the Act shall limit or prevent the Village from disciplining an employee or terminating employment of an employee for violating an employer's employment policies or workplace drug policy.

WHEREAS the Village understands that the use, consumption and possession of Cannabis, while now legal in the State of Illinois, is still illegal under federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF THE VILLAGE OF MT. AUBURN, AS FOLLOWS:

The Employee handbook, manual and/or policy of the Village of Mt. Auburn is hereby amended by the addition of the following provisions:

ARTICLE I
(Definitions)

1-1. **Employee Definitions:**

- A. Regular Full-Time Employees - An employee who is scheduled to work an average of forty (40) hours per week on a regular and continuous basis.

- B. Regular Part-Time Employees - An employee who has is usually scheduled to work less than an average of forty (40) hours per week but not less than ten (10) hours per week on a regular and continuous basis.
- C. Seasonal/temp - An employee who is scheduled to work for a specified time period and not on a continuous basis.

1-2. Illegal drugs - All drugs deemed illegal to possession or control by either State or Federal Law.

1-3. Prescription drugs - Any prescription drugs that have been prescribed by a licensed medical professional to the employee. All prescription drugs must be currently prescribed.

1-4. Look-a-like drugs - All synthetic drugs, whether legal or illegal which can impair an employee's ability to perform his or her jobs.

1-5. Impairment: The Village considers an employee to be impaired or under the influence of cannabis if the Village has a good faith belief that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property, or carelessness that results in any injury to the employee or others.

ARTICLE II (Prohibitions)

2-1. Alcohol and Cannabis Use: All employees are to refrain from alcohol and cannabis use (consumption, smoking, drinking etc):

- (a) while on the job and acting as an employee for the Village,
- (b) when the employee is on call.

2-2. Alcohol, Cannabis, Look-a-Like drugs, Controlled Substance Intoxication: All employees are prohibited from working while under the influence of alcohol, cannabis, look-a-like drugs or any controlled substance (whether legal or illegal) which is not prescribed to that employee by a physician.

2-3. Storage and Possession: All employees are prohibited from storing or possessing alcohol, cannabis, look-a-like drugs or any controlled substance (whether legal or illegal) except those prescribed by a licensed medical provider on the Village premises or in any vehicle or work equipment.

ARTICLE III
(Testing)

3-1. **Testing.** Village employees are subject to drug testing if there is a reasonable suspicion that an employee is impaired or under the influence of cannabis, alcohol, look-a-like drugs or a controlled substance (whether legal or illegal) unless otherwise prescribed to the employee from a medical provider during the course of employment or while on call.

ARTICLE IV
(Discipline)

4-1. **Discipline.** If the employee is found to have violated this policy, the employee is subject to disciplinary action including but not limited to verbal warning, written warning, suspension with pay, suspension without pay or termination.

4-2. **Right to contest.** If the Village elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the Village affords the employee a reasonable opportunity to contest the basis of the determination. The Employee can request a meeting with the Board to contest said discipline. The Employee has the right to have the test results to be retested at the employee's expense.

EFFECTIVE DATE: This Zero Tolerance Policy shall be in effect upon its passage, approval and publication as provided by law.

ADOPTED this 3rd Day of September, 2019 pursuant to roll call vote as follows:

AYES: Denise Carey, Rick Clayton, Sandra Gooder,
Bridget Willard

NAYS: _____

APPROVED this 3rd day of September, 2019.

Amber Dooley
Amber Dooley, Village Mayor
Village of Mt. Auburn, Illinois

ATTEST:

Sheri Clayton

(MUNICIPAL SEAL)

CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHRISTIAN)

I, Sheri Clayton, certify that I am the Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on September 3rd, 2019, the Board of Trustees of said Village passed and approved the Employee Policy entitled "**Zero Tolerance**"

DATED at Mt. Auburn, Illinois this 3rd day of September, 2019.

Sheri Clayton
Sheri Clayton, Village Clerk

(SEAL)