

City of Chicago Drug and Alcohol Policy

Effective Date: January 1, 2020

I. Purpose

The City of Chicago is committed to maintaining a safe, healthy, and productive work environment for its employees. An employee under the influence of drugs or alcohol on the job can be a serious safety risk to themselves, other employees and the general public. In order to guard against drug and alcohol related safety risks, the City of Chicago has established this drug and alcohol testing policy.

II. Scope and Applicability

The City's Drug and Alcohol Policy applies to all full-time, part-time, and temporary employees (including seasonal employees), and volunteers. In addition, this policy covers applicants for safety-sensitive positions where drug and alcohol testing is part of the pre-employment process.

The City may require drug/alcohol testing in the following situations:

- Upon reasonable suspicion that the employee has used drugs or alcohol or is under the influence of drugs or alcohol while at work, on City of Chicago property, or on City of Chicago business.
- When any employee may have contributed to an accident which results in significant injury requiring medical attention or significant property damage while at work, on City of Chicago property, or on City of Chicago business. When any employee has been involved in a fight while at work, on City of Chicago property, or on City of Chicago business.
- As part of the return to work process for employees in safety-sensitive positions.
- As part of the pre-employment and/or pre-placement process.

Employees who are covered by U.S. Department of Transportation ("DOT") requirements under the Federal Motor Carrier Safety Act ("FMSCA") are also subject to the Drug and Alcohol Policy for DOT-covered Employees of the City of Chicago. To the extent that there is a conflict between this policy and an applicable Collective Bargaining Agreement ("CBA"), the CBA will control.

III. Definitions

Accident means an event resulting in injury to a person requiring medical attention or causing significant damage to property.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

City property means all City-owned and/or leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, City roads, driveways and right-of-ways, and City-owned and/or leased vehicles and lockers.

Drugs are defined as, but not limited to cannabis (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).

Illegal drug – Any drug that is not legally obtainable; that is legally obtainable but has not been legally obtained; or, if prescribed, that is being used in a manner or for purposes other than prescribed.

Reasonable suspicion – A belief that an employee may be under the influence of drugs or alcohol. Such belief must be based on some objective indicia, which may include but is not limited to, the following matter: erratic or unusual behavior by an employee, including but not limited to noticeable imbalance, incoherence and disorientation, which would lead a person of ordinary sensibilities to conclude that the employee is under the influence of drugs or alcohol.

Refusal to submit to a required alcohol test includes failure to appear for any test, failure to provide a breath or saliva specimen or an adequate breath or saliva specimen for a required test, failure to remain at the testing site until the testing process is complete, failure to provide a sufficient breath specimen without a medical explanation, failure to undergo a medical examination following inability to provide a sufficient breath specimen, refusal to sign the alcohol testing form, and failure to cooperate with the testing process. A refusal to submit to a required alcohol test shall be treated as a positive result.

Refusal to submit to a required drug test includes failure to appear for any test within a reasonable time, failure to remain at the collection site until the testing process is complete, refusal to provide a urine specimen for a required drug test, failure to permit a directly observed or monitored collection when required, failure to provide a sufficient amount of urine without a medical explanation, failure to take a second test when required by a collector or this employer, failure to undergo a medical examination following inability to provide a sufficient urine sample, and failure to cooperate with the collection/testing process (including refusing to empty pockets at the collection site). A refusal to submit to a required drug test shall be treated as a positive result.

Safety-sensitive functions means any job title or position where the duties and responsibilities include, but are not limited to: operating heavy or power machinery; handling hazardous quantities of chemical or biological materials; engaging in duties directly related to the public safety, including, but not limited to, responding or coordinating responses to emergency events; caring for patients or other vulnerable persons.

Screening test (for alcohol) means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Under the influence – Any mental, emotional, sensory or physical impairment due to the use of drugs and/or alcohol.

IV. Roles and Responsibilities

A. Department Heads

1. Implementation of this Policy

Department Heads are responsible for taking the necessary steps to implement this Policy within their department. This includes, but is not limited to, designating an HR Liaison who will serve as the point of contact with the Department of Human Resources for receiving test results and scheduling training on this policy for employees and supervisors.

2. Initiating Disciplinary Action

Department Heads are responsible for initiating disciplinary action against any employee or supervisor who violates this policy.

B. Departmental Human Resource Liaison (“HR Liason”)

1. Receiving and communicating test results

HR Liaisons are responsible for receiving test results and communicating results to employees in their department.

2. Training of employees

HR Liaisons are also responsible for working with the Department of Human Resources to ensure that employees and managers in their department receive training on this policy.

C. Supervisors/Managers

1. Enforcement

Supervisors and managers are responsible for consistent enforcement of this policy. Any supervisor or manager who knowingly permits a violation of this policy by employees under their direct supervision will be subject to disciplinary action up to and including termination.

2. Initiating reasonable suspicion procedures

Supervisors and Managers are also responsible for initiating reasonable suspicion procedures described in this Policy for any employee who appears to be under the influence of drugs and/or alcohol while on duty.

3. Referrals to Employee Assistance Program

A Supervisor or Manager who has reason to believe that an employee may have a drug or alcohol problem which is affecting the employee's work performance, may suggest that the employee go to the City's Employee Assistance Program ("EAP") for an assessment. Participation by the employee in the assessment is voluntary. A referral to the City's EAP is separate from any disciplinary action that may result from the employee's violation of this Policy.

D. Employees

1. Compliance with rules and procedures

Employees are required to comply with the provisions of this Policy. Employees are required to notify their supervisor or HR Liaison before beginning work, if they are taking any prescription or non-prescription medications which may interfere with the safe and effective performance of duties or operation of City equipment.

2. Substance Abuse Treatment/Counseling

Employees are encouraged to voluntarily seek professional assistance for drug and/or alcohol abuse with or without contacting management.

V. Policy/Rules of Conduct

A. In order to provide services to citizens in a safe, efficient, and economic manner, and to maintain a healthy and safe work environment for all employees the following rules of conduct shall apply:

1. Employees are prohibited from consuming, being under the influence of, or impaired by alcohol, cannabis, or any illegal drug during all work time, including meals and breaks, or at any time while on City property, or while performing service on behalf of the City.
2. Employees are prohibited from possessing, manufacturing, using, selling, and/or transferring alcohol, cannabis, or any illegal drug during all work time, including meals and breaks, or at any time while on City property, or while performing service on behalf of the City.
3. The illegal or unauthorized use of prescription drugs during all work time, including meals and breaks, or any time while on City property, or while performing services on behalf of the City is prohibited.

4. Employees may not refuse to cooperate with testing procedures, nor may employees refuse to submit to drug and/or alcohol testing when directed to do so by a supervisor.
 5. If an employee is called to duty during the employee's typical "off-duty" time, the employee may report to work only if he/she has not consumed alcohol or cannabis at any time during the previous four (4) hours. When an employee has used alcohol or cannabis during the four (4) hours prior to being called to duty, they will be expected to acknowledge such use at the time they are called. An employee's acknowledgment of such use at the time they are called shall not be grounds for disciplinary action against said employee. If it is not possible to delay the requested start time to accommodate this requirement, the employee will not report to work.
- B. Pursuant to the City's policy of maintaining a drug-free workplace in accordance with the Drug-Free Workplace Act, employees who are convicted of a criminal drug statute violation that occurred in the workplace are required to report the conviction in writing within five calendar days after the conviction. The notice of conviction shall be provided to the employee's HR Liaison.

VI. Prescription, Over-the-Counter Medications and Medical Cannabis

A. Prohibition of Impairment

1. The City prohibits the use of any legally prescribed drug or over-the-counter medication by an employee during working time if such use impairs the ability of the employee to safely or efficiently perform their job duties.
2. The City prohibits the use, possession, sale, or transfer of physician recommended medical cannabis during all work time, including meals and breaks, or at any time while on City property, or while performing service on behalf of the City.

B. Duty to Consult

1. Any employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may affect their ability to safely and efficiently perform their job duties.

C. Duty to Report

1. If the employee's use of a prescribed or over-the-counter medication could compromise the safety of coworkers, member of the public, or themselves, the employee must notify their supervisor or their HR Liaison in order to avoid unsafe workplace practices.

D. Medical Certification

1. If there is doubt as to whether or not the employee can safely or efficiently perform the functions of their job while taking a legally prescribed drug or over-the-counter medication, the employee may be required to provide a certification from the prescribing physician that the employee's job performance will not be

affected and that the employee does not pose a threat to their own safety or the safety of others.

2. If the employee does not provide a certification, they shall be placed on a leave of absence until the required medical certification has been provided or the employee provides evidence that they are no longer taking the prescribed or over-the-counter medication.

E. Fitness For Duty Exam

1. Notwithstanding a medical certification from the prescribing physician, if there is reason to believe that an employee may be impaired due to their use of a legally prescribed or over-the-counter medication, the employee may be sent for a fitness for duty exam to determine if they are able to safely and efficiently perform their job duties. If an employee is found unfit for duty, they shall be placed on a leave of absence until such time that they are no longer taking the prescribed or over-the-counter medication.

VII. Drug and Alcohol Testing

A. Reasonable Suspicion Testing

The City of Chicago may require testing of an employee for whom there is a reasonable suspicion that the employee has used drugs, including cannabis, or alcohol or is under the influence of drugs, including cannabis, or alcohol while at work, on City property, or on City business.

When a supervisor has reasonable suspicion that any employee is in violation of this policy, the supervisor shall initiate the following procedures:

1. Contact a second supervisor to confirm the specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odors.
2. If both supervisors agree that there is a reasonable suspicion that the employee is in violation of this policy, after taking appropriate safety measures, i.e. removing the employee from any situation which may pose a safety risk to the employee, coworkers, or the public, the supervisors shall document in writing the specific reasons for the decision to initiate testing based on the specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odors.
3. The supervisors shall meet with the employee to advise the employee that they are being ordered to undergo drug and alcohol testing. The supervisors shall inform the employee that a refusal to test shall be considered a positive result and that the employee may be subject to disciplinary action up to and including termination for the refusal to undergo drug and alcohol testing. The supervisors shall provide the employee with the Notice of Drug and Alcohol Testing Form.

4. At least one of the supervisors shall escort the employee to the testing site as soon as possible. In the event the supervisors are not able to escort the employee themselves, another individual may be identified to escort the employee to the testing site so long as that individual has a higher grade or rank than the employee being tested. Under no circumstances should the employee be allowed to drive to the testing site or be sent to the testing site unescorted.
5. Drug and alcohol testing should be administered within two (2) hours of making a reasonable suspicion determination. If this two (2) hour time frame is exceeded, the supervisors must document the reasons the drug and alcohol testing was not promptly administered. Supervisors who do not test employees within this established time frame may be subject to discipline up to and including termination.
6. After the testing has been completed the employee shall be escorted home by the supervisor or other individual designated by the supervisor to escort the employee home. Under no circumstances should the employee be allowed to drive away from a testing site or a work site. If the employee does drive off, notify the Police Department immediately and provide them with relevant information including: the employee's name; the car's make, model, color, and license plate number; the direction of travel; the employee's home address; and the reason for ordering drug and alcohol testing.
7. The Department of Human Resources shall be notified that testing was conducted. The Department of Human Resources will report drug screen results to the department within one working day of being received from the laboratory.

B. Post-Accident/Post-Fight Testing

1. As soon as possible following a driving or other workplace accident, the employee's supervisor shall ensure that any employee who may have contributed to the accident is tested for drugs and alcohol when: :
 - a. the accident involves a fatality, or if any individual was severely injured enough to be taken away from the scene of the accident to receive immediate medical treatment; or,
 - b. the accident resulted in significant damage to any vehicle, equipment, or property; or,
2. As soon as possible after an employee has been involved in workplace fighting, the supervisor shall ensure that the all employees involved are tested for drugs and alcohol.
3. Post-accident/post-fight drug and alcohol testing should be administered within two (2) hours following the accident or fight. If this two (2) hour time frame is exceeded, the supervisors must document the reasons the drug and alcohol testing was not promptly administered. Supervisors who do not test employees within this established time frame may be subject to discipline up to and including termination.
4. The supervisor shall document the reasons for sending the employee for drug and alcohol testing as soon as possible. Whenever possible, supervisors are encouraged to take

photographic evidence at the scene of the accident to document property damage and obtain a copy of any relevant police reports, if available.

5. After the testing has been completed:
 - a. Breathalyzer results will be provided immediately after the test and confirmatory test, if necessary, are performed. If the breathalyzer test results for alcohol are negative, the employee may return to duty, but may not perform safety-sensitive functions for the remainder of their work shift. Drug test results will be reported as described in section c. below.
 - b. In the event that the breathalyzer test results for alcohol are positive, the employee may not return to duty. The employee shall be escorted home by the supervisor or other individual designated by the supervisor to escort the employee home. Under no circumstances should the employee be allowed to drive away from a testing site or a work site. If the employee does drive off, notify the Police Department immediately and provide them with relevant information including: the employee's name; the car's make, model, color, and license plate number; the direction of travel; the employee's home address; and the reason for ordering drug and alcohol testing.
 - c. The Department of Human Resources should be notified that testing was conducted. The Department of Human Resources will report drug screen results within one working day of being received from the laboratory.

C. Return to Duty Testing

Employees in safety-sensitive positions who have been on seasonal termination or layoff for ninety (90) or more days, or who have been on any continuous leave of absence for ninety (90) or more days may be required to submit to a drug test prior to returning to duty. Such testing, including reporting of results, shall take place prior to the employee's return to work.

D. Pre-Employment And/Or Pre-Placement Alcohol And Drug Testing

Several positions within the City of Chicago require drug and/or alcohol testing before hire or recall. In addition, there are some departments including the Civilian Office of Police Accountability, the Office of Emergency Management and Communication, the Chicago Police Department, and the Chicago Fire Department that require drug and/or alcohol testing for all positions regardless of title.

Drug testing shall only be administered to candidates for employment who have been given a contingent offer of employment. Candidates who test positive for illegal drugs will be notified of the positive result and will have their contingent offer of employment revoked. Retesting is not provided for pre-employment or pre-placement drug tests.

VIII. Testing Procedures

- A. The following procedures shall apply to drug and alcohol testing for City employees:

1. Employees to be tested will be required to sign a consent form and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, they will be subject to termination.
2. Drug and alcohol testing will be conducted by an independent laboratory selected by the City of Chicago that is accredited by the Department of Health and Human Services, and may consist of blood, saliva, or urine tests, or any combination of those tests. A breathalyzer test may be used to test for the presence of alcohol, in lieu of other clinical testing.
3. Laboratory and testing procedures will conform to the procedures specified in Department of Health and Human Services guidelines for federal workplace drug testing programs by the relevant agency of the Department of Health and Human Services.
4. Initial and confirmatory test results which meet or exceed the cutoff levels for drugs set forth in the Department of Health and Human Services guidelines (as they may be amended) shall be regarded as “positive” and shall presumptively establish that the tested employee was under the influence of drugs.
5. Initial and confirmatory (or breathalyzer) test results which meet or exceed the level of blood alcohol established in the Illinois Motor Vehicle act as legal intoxication shall presumptively establish that the tested employee was under the influence of alcohol.
6. The cost of initial and confirmatory testing will be borne by the City of Chicago.
7. In the event that a urine specimen provided by an employee is outside the acceptable range (90-100 degrees F), the employee will be required to provide a new urine specimen under direct observation. An employee who refuses to provide a second specimen or who refuses to provide a specimen under direct observation will be determined to have refused the test.
8. Drug and alcohol test results shall be reported to the Department of Human Resources. The applicant or employee shall be notified of their test results. The Department of Human Resources will inform the applicable Department Head of any employee who tests positive for alcohol or drugs, who in turn will initiate disciplinary proceedings.
9. All urine and blood samples shall be taken in sufficient quantity as to allow for retesting. Any portion not used in the test will be preserved by scientifically reliable means for one (1) year following the test. Any employee whose test result is positive may elect, at their expense, to be retested by the same or other laboratory satisfactory to the Commissioner of the Department of Human Resources, provided that the City’s testing laboratory shall arrange for transmitting said sample to the second laboratory. Positive results of retesting shall be conclusive as to the presence of alcohol or drugs.
10. No laboratory report or test results shall appear in an employee’s personnel file unless they are part of disciplinary action pursuant to this Policy.

IX. Consequence of a Positive Test

- A. Any employee who tests positive for drugs and/or alcohol in violation of this Policy, will be subject to disciplinary action up to and including termination.
- B. Any employee who refuses to submit to a drug and/or alcohol test when directed to do so by a supervisor, or who refuses to cooperate with testing procedures may be subject to discipline up to and including termination.
- C. Any employee who tests positive for cannabis on a confirmatory drug test shall be provided an opportunity to contest the basis of the determination. The employee shall request, in writing, the opportunity to explain the positive test result in a confidential setting provided that such request is made within five (5) calendar days after the employee has been informed of the positive test result. Alternatively, the employee may provide an explanation of the positive test result in writing to the department head within five (5) working days after the employee has been informed of the positive test result.
- D. When a Department Head is notified that an employee has tested positive for drugs and/or alcohol in violation of this Policy, the department shall initiate disciplinary proceedings, provided that the employee has been provided an opportunity to contest the basis of the determination for a positive result for cannabis. When an employee has provided an explanation for a positive result for cannabis, the Department Head must take into consideration the employee's explanation before making a decision whether disciplinary action will be initiated.

X. Training

Employees shall receive regular training on the requirements of this policy. Supervisors and managers shall be required to receive annual training on this policy and such training shall information on the indicia of drug and alcohol use.

XI. Employee Assistance Program

The City of Chicago has established an Employee Assistance Program ("EAP") which provides help to employees experiencing personal difficulties. The City encourages anyone with a drug or alcohol problem to utilize the EAP. Use of the EAP is voluntary and confidential. It is the responsibility of all employees to seek assistance from the EAP before alcohol abuse or drug use leads to disciplinary action.

An employee's decision to utilize the EAP shall not be used as the basis for disciplinary action. However, participation in an EAP or other substance abuse program will not preclude discipline, nor will it be a defense to disciplinary action where the information leading to the adverse employment action was gathered from sources other than EAP. Under no circumstances will enrollment in an EAP or other substance abuse program after disciplinary action has been initiated be deemed a defense to such action. Further,

the City is under no obligation to offer participation in an EAP or other substance abuse program prior to, or in lieu of, imposition of discipline.

XII. Contact Information

City of Chicago Employee Assistance Program
121 N. LaSalle, Room 1100
Chicago, IL 60602
(312) 744-9711
TT/TTY: (312) 744-5035