

Chapter 3: PERSONAL CONDUCT

The City of St. Charles reserves the right to interpret and deviate from all City policies. Both the City and employee have the right to terminate the employment relationship at any time, with or without cause and/or notice.

STANDARD OF CONDUCT

APP: ALL EMPLOYEES

Employees must exercise the utmost courtesy and discretion regarding all matters of City business. Employees shall refrain from any action and avoid any public pronouncement that might reflect adversely upon the City. Employees are expected to act as a representative of the City of St. Charles at all times. This means treating all citizens, customers, vendors, suppliers, and other service providers courteously, professionally, and respectfully on the phone, on the road, on the computer, in person or any other form of communication. Employees are also expected to treat each other in the same manner. Any employee who is found to be in violation of City policy may be subject to disciplinary action up to and including termination. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

Ethics Ordinance

The Illinois General Assembly has mandated that each unit of local government adopt an ordinance “regulating the political activities of, and the solicitation and acceptance of gifts, by the officers and employees of such units ‘in a manner no less restrictive’ than the provisions of the State Officials and Employees Ethics Act. The limitations on employee activities are generally the same under the City ordinance; however, the Ethics Code provides very clear descriptions of the prohibited activities and consequences of any violations. All definitions of terms within this Standard of Conduct policy are as defined in the Illinois State Statutes, 5 ILCS 430/1-5. Of special note is that a violation to the Ethics Code is no longer treated as a violation of conduct, but will likely lead to prosecution. The following is a summary of the Ethics ordinance.

Prohibited Political Activities:

1. No officer or employee shall intentionally perform any prohibited political activity during any compensated time.
2. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.
3. At no time shall any officer or employee intentionally require another officer or employee to perform any prohibited political activity as part of that officer’s or employee’s duties, as a condition of employment, or during any compensated time off (such as holidays, vacation or personal time off).
4. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
5. Nothing in this section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities

that are undertaken by an officer or employee on a voluntary basis which are not prohibited by City ordinance.

6. No person either in a position that is subject to recognized merit principles of public employment or in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Gift Ban

Except as permitted by City ordinance, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”) shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates City ordinance.

Exceptions:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the officer or employee or his or her spouse or immediate family member pays the fair market value.
3. Any contribution that is lawfully made under the Election Code or activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual’s spouse and the individual’s fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding seventy-five dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or

catered. For the purposes of this section, “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.

9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
10. Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100).

Disposition of Gifts

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate City ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Ethics Advisor

1. The Mayor, with the advice and consent of the City Council, shall designate an Ethics Advisor for the City of St. Charles. The duties of the Ethics Advisor may be delegated to an officer or employee of the City of St. Charles unless the position has been created as an office by the City of St. Charles.
2. The Ethics Advisor shall provide guidance to the officers and employees of the City of St. Charles concerning the interpretation of and compliance with the provisions of the City ordinance and State ethics laws.

Penalties

1. A person who intentionally violates any provision of the City ordinance relating to prohibited political activities is guilty of a Class A misdemeanor.
2. A person who intentionally violates any provision of the City ordinance relating to prohibited gifts is guilty of a business offense and is subject to a fine in an amount of not less than One Thousand One Dollars (\$1,001.00) and not more than Five Thousand Dollars (\$5,000.00).
3. Any person who intentionally makes a false report alleging a violation of any provision of the City ordinance to the local enforcement authorities, the State’s Attorney or any other law enforcement official is guilty of a Class A misdemeanor.
4. A violation of the City ordinance shall be prosecuted as a criminal offense by an attorney for the City of St. Charles by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction

shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

5. A violation of City ordinance may be prosecuted as a quasi-criminal offense by an attorney for the City of St. Charles, or through the designated administrative procedure.
6. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of City ordinance is subject to discipline or discharge.

Permitted Reasonable Exceptions

Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the City, reasonable exceptions to this section are permitted for those occasions which are social in nature and are not predicated on the employee's ability to influence, directly or indirectly, any matter before the City.

The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, or favor given or received which has significant monetary value and is offered or accepted in expectation of preferential treatment and an expression of courtesy. Examples of acceptable courtesies include a meal or social event; exchanges of floral offerings; gifts of food to commemorate events such as illness, death, birth, holidays, or promotions; or a sample or promotional gift.

Whistleblower Policy

The City of St. Charles prides itself on its adherence to all federal, state, and local laws/regulations, including ethics laws; therefore, the City of St. Charles asks that any violation of federal, state, or local law or regulation or City policy witnessed or learned of by an employee or any other individual conducting business with or on behalf of the City be reported immediately to the city administrator (or the mayor if the conduct involves the city administrator) or director of human resources to allow the City to investigate and, if applicable, correct the situation or condition.

All reports of illegal and dishonest activities or of actions that may be in violation of this policy will be promptly investigated and the City will take appropriate corrective or disciplinary action against persons violating this policy, in addition to any other legal compliance actions. Examples of illegal or dishonest activities include: 1) violations of federal, state, or local laws; 2) billing for services not performed or for goods not delivered; or 3) fraudulent financial reporting.

The City affords whistleblower protections in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained; however, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

The City will not take any retaliatory action against an employee if he or she refuses to participate in an activity or discloses or threatens to disclose an activity or policy or procedure that the employee in good faith has reasonable cause to believe is a violation of the law. Any whistleblower who believes he or she is being retaliated against must contact the human resources director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

RULES AND REGULATIONS

APP: ALL EMPLOYEES

Employees are expected to comply with the personnel policies and practices contained herein. Penalties will be assessed for infractions of these policies and procedures. Minor infractions may not require the same severe disciplinary action that is necessary for major infractions. A full-time and/or regular part-time (seasonal, weekend, etc.) or any other type employee may be disciplined or terminated for cause. Introductory probationary employees, seasonal and summer employees are subject to termination at the sole discretion of the City. Probable cause shall include, but not be limited to, the following illustrations of unacceptable conduct.

Minor Infraction Guidelines

Minor infractions are the type of behavior that does not generally, upon first offense, require severe disciplinary action, but if continued, may lead to suspension or termination. Minor infractions include but are not limited to:

1. Wasting time, loitering or being away from assigned working place without good reason.
2. Tardiness.
3. Careless or unsafe use of City property.
4. Unauthorized posting or removal of any matter from City bulletin boards or City property.
5. Failure to report an injury or an accident by the end of the shift/workday.
6. Lack of courtesy to an individual, either on the phone, on the computer or in person.

Major Infraction Guidelines

Major infractions are the type of behavior that may result in severe disciplinary action, such as suspension or termination. Major infractions include but are not limited to:

1. Refusal to carry out a specific order or instruction (written or oral) issued by a supervisor.
2. Theft from fellow workers, the City, or any others.
3. Falsifying time records (over-reporting or under-reporting)
4. Lying, being untruthful, or not being forthcoming.
5. Willful omission of facts or falsifying personnel or other records during or after time of employment.
6. Excessive tardiness or absenteeism.
7. Failure to comply with City or department policies and procedures and/or collective bargaining agreement.
8. Unauthorized sleeping on the job.
9. Consumption, possession, or use of any drug (on the job), including intoxicants, alcohol, stimulants, and depressants, other than those prescribed by a physician to the employee. Reporting to work under the influence of any intoxicant, stimulant, and/or

depressant (other than that prescribed by a physician) will be considered as if the employee had consumed the drug on the job.

10. Violation of the IT Use and Security policy (outlined later in this chapter).
11. Working in an unsafe manner, including disregarding established safety practices and procedures and/or the failure to use personal protective equipment as required.
12. Malicious, careless, or negligent action resulting in injury or damage to person or property.
13. Harassment of any kind.
14. Absence from work for one (1) day without permission, without proper notification, or without adequate explanation.
15. Gambling of any type on municipal property.
16. Revealing or divulging confidential information to parties not involved.
17. Issues of workplace violence.
18. Introducing, possessing, using, buying, or selling weapons while in City owned or leased buildings, except for City personnel whose job requires them to regularly carry a weapon while on duty and except if given express permission by authorities in charge of the premises.

CONFLICTS OF INTEREST*APP: ALL EMPLOYEES*

No City employee shall engage in any act, which is in conflict, or creates an appearance of unfairness or conflict with performance of official duties. An employee shall have a conflict of interest if the employee:

1. Has any financial interest in any sale to the City of any property, goods, or services when such financial interest was received with prior knowledge that the City intended to purchase the property, goods, or services.
2. Participates in his/her capacity as a City employee in the initiating or issuing of a purchase order or contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
3. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above. An employee should not make a unilateral decision. If there is any doubt about his/her private employment, the department director should be consulted.
4. Discloses or uses without authorization confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.
5. Has a financial interest or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest. Interests include:
 - A) Interests in an employee's immediate family.
 - B) Any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or owned directly or indirectly by the employee.
 - C) Interest in any business entity in which the City employee is an officer, director, or employee.
 - D) Interest in any person or business entity with whom a contractual relationship exists with the employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business shall not be deemed to create a conflict of interest.

Use of City Property

Employees may only do work which is of direct benefit to the City while on City owned property. No employee shall use City-owned vehicles, equipment, materials, or other property for private use, or as part of secondary employment outside of City premises.

ANTI-HARASSMENT

APP: ALL INDIVIDUALS

The City of St. Charles strives to create a healthy work environment in which all employees are treated with dignity and respect. Also, any form of discrimination or harassment will not be tolerated. Harassment in the workplace is unacceptable conduct and will not be tolerated by anyone, including any employee, supervisor, elected official, vendor, customer, or any other third party. It is the responsibility of each individual employee to refrain from harassment or discrimination of other employees. It is the right of each individual employee to work in an environment free from harassment.

Prohibited Conduct

This policy prohibits harassment or other workplace discrimination based on an employee's protected status under state and federal law.

Harassment is defined as unwelcome conduct, whether verbal, physical, or visual, that denigrates or shows hostility or aversion toward an individual based upon that person's race, gender, sex, sexual orientation, age, color, religious affiliation, national origin, physical or mental disability, ancestry, marital status, military status, unfavorable discharge from military service, order of protected status, or other legally protected status. The City will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment. Consensual sexual relationships between co-workers are strongly discouraged. Consensual sexual relationships between supervisors and their subordinate employees are strongly discouraged.

The conduct forbidden by this policy specifically includes, but is not limited to:

1. Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status.
2. Jokes, kidding, teasing, or practical jokes directed at a person based on his or her protected status.
3. Written or graphic material circulated, available on the City's computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.
4. Any employee mocking or belittling any other employee.
5. The City discourages any such conduct in the workplace, and this policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation.

Sexual Harassment

Sexual harassment is a serious offense and is often misunderstood. Sexual harassment includes any harassing conduct based on gender, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

Unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment constitutes sexual harassment when:

- Submission to the conduct is an explicit or implicit term of employment,
- Submission to or rejection of such conduct is used as a basis for an employment decision affecting an individual (tangible employment action), or
- The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.

The City considers the following conduct to represent, but are not limited to, some of the types of acts that violate this harassment policy:

1. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, hugging, kissing, etc.
2. Physical assaults of a sexual nature, including, but not limited to, coerced sexual intercourse, sexual battery, sexual assault, or rape.
3. Unwanted sexual advances, propositions or other sexual comments, including, but not limited to, sexually oriented gestures, noises, leering, remarks, innuendo, jokes, or comments or verbal abuse of a sexual nature. Also included are preferential treatment and promises of a preferential treatment to an employee for submitting to sexual conduct.
4. Sexual or discriminatory displays or publications anywhere in the City workplace by City employees, including, but not limited to, pictures, posters, calendars, graffiti, objects, reading materials, computers, or other materials that are suggestive, demeaning, or pornographic.

Subtle Forms of Sexual Harassment

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is subtler and depends, to some extent, on individual perception and interpretation.

Employee Responsibility

Every employee is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy. Employees should immediately report observed conduct that is unwelcome, offensive, inappropriate, or in poor taste. The employee should notify his or her supervisor or the Director of Human Resources with complaints about alleged problems or violations of this policy at any time. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. Complaints need not be limited to someone who was the target of the alleged offending conduct. Anyone who has observed an alleged violation of the policy is required to report such conduct. An individual employee who harasses a fellow worker is liable for his/her individual conduct.

Supervisor Responsibility

Each supervisor is responsible for maintaining a workplace free from all forms of harassment and set an example for your employees. This is accomplished by promoting a professional environment and by dealing with harassment like any other form of employee misconduct. The courts have found that organizations, as well as supervisors, can be held liable for damages related to harassment by a manager, supervisor, employee or third party.

Supervisors must act quickly and responsibly not only to minimize their own liability but also that of the City. Inform your staff that such behavior is unacceptable to you, as well as to the City. Make sure that all of your employees know and understand the law, the harassment policy, and grievance procedures.

Specifically, a supervisor must immediately address an observed incident of harassment or a complaint with seriousness, take appropriate disciplinary action, and observe strict confidentiality. The supervisor must consult with the Director of Human Resources on the proper procedures to follow. This also applies to cases where an employee tells the supervisor about behavior considered harassment but does not want to make a formal complaint.

Supervisors must ensure that no retaliation will result against an employee making a harassment complaint.

Complaints of Harassment

If an employee experiences or witnesses any conduct that he or she believes is inconsistent with this policy, they should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the supervisor, Director of Human Resources, and offending employee. This may be done in writing or orally. Each supervisor must immediately report to Human Resources any complaint or observation of conduct which may violate this policy.

The process for making a complaint about harassment falls into several stages:

Direct Communication

If there is harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

Contact with Supervisory Personnel

At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by this situation, the problem must be promptly reported to the immediate supervisor or to the Director of Human Resources. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision or the Director of Human Resources.

Formal Complaint

An employee may also report incidents of harassment directly to the Director of Human Resources. The Director of Human Resources will counsel the reporting employee and be available to assist with filing a formal complaint. The City will fully investigate the complaint and advise the complainant and alleged harasser of the results of the investigation.

Confidentiality

The City will protect confidentiality by every means legally possible, but confidentiality cannot be completely guaranteed.

City Response

All reports describing conduct that is inconsistent with this policy will be investigated promptly. Employees who believe they have been subjected or exposed to discrimination or harassment prohibited by this policy have the right to have any such activity terminated immediately. The City may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. The City will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The City might also conclude, depending on the circumstances, either that no violation of the policy occurred or that the City cannot conclude whether or not a violation occurred.

The harassing employee will be subject to disciplinary action up to and including termination in accordance with City policy or a bargaining agreement, as appropriate.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the City will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The City may discipline an employee for any inappropriate conduct discovered in investigation reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy. If the person who engaged in harassment is not employed by the City, then the City will take whatever corrective action is reasonable and appropriate under the circumstances.

After the investigation is finalized, the human resources director will meet with the complainant and respondent separately to explain the City's findings and disciplinary or prevention action, if necessary.

Employees are encouraged to use the above complaint procedure(s) to report and resolve their complaints of harassment or retaliation. Our policy provides for immediate notice of problems to the City employees and officials listed above, so that we may address and resolve any problems without waiting for legal proceedings to run their course. However, employees may also file a charge of discrimination in writing with the Illinois Department of Human Rights (IDHR)

within 180 days of the harassment and/or the Equal Employment Opportunity Commission (EEOC) within 300 days at:

Illinois Department of Human Rights (IDHR)

<http://www.state.il.us/dhr>
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601
312/814-6200 Chicago
312/263-1579 TDD Chicago

Equal Employment Opportunity Commission (EEOC)

<http://www.eeoc.gov>
500 W. Madison St., Ste. 2800
Chicago, IL 60661-2511
312/353-2713 or 312/814-6269 Chicago
312/814-4760 TDD Chicago

Policy Against Retaliation

The City forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, for cooperating in a harassment investigation, or for filing an administrative claim with the IDHR or EEOC. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above. No one will be retaliated against, even if a complaint made in good faith is not substantiated.

Resolution Outside the City

It is hoped that most harassment complaints and incidents can be resolved within a department; however, any employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with IDHR or EEOC may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

False Complaints

False charges refer to cases where the accuser files a sexual harassment complaint that can be proven false. Given the seriousness of the consequence for the accused, a false charge is a severe offense that can itself result in disciplinary action.

Confidentiality

In investigating and in imposing any discipline, the City will attempt to preserve confidentiality to the extent that the needs of the situation permit and in order to conduct an investigation. Confidentiality cannot be guaranteed.

DISRESPECTFUL/FOUL LANGUAGE

APP: ALL EMPLOYEES

There is no law against foul language in the workplace, but it can create harassment problems and/or disrespect if this language is directed at a particular group or at a particular person. Whether disrespectful/foul language creates harassment or not depends greatly on the words used and the context in which they are used. The City of St. Charles has a policy regarding respect for co-workers and this applies to the use of disrespectful/foul language.

The City of St. Charles does not condone the use of disrespectful or foul language, in any type of format (written, verbal, etc.). Disrespectful language is never allowed and may lead to discipline up to and including termination. The City understands, however, that at times employees may use foul language in the workplace, but if the use of such language leads to workplace violence, claims of a hostile work environment, harassment, racism, sexism, or other types of illegal discrimination, the employee may be disciplined up to and including termination.

VIOLENCE IN THE WORKPLACE

APP: ALL EMPLOYEES

The City of St. Charles is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence. To reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. The City does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

Prohibited Conduct

Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City of St. Charles property will not be tolerated. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while in City owned or leased buildings, except for any City personnel whose job requires them to regularly carry a weapon while on duty;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

The City prohibits employees, former employees, and visitors from introducing, possessing, using, buying, or selling unauthorized weapons, firearms, ammunition, explosives, or items deemed by St. Charles police to be dangerous or in violation of the Illinois Firearm Concealed Carry Act on or into any building or portion of a building under the control of the City of St. Charles, except for any City personnel whose job requires them to regularly carry a

weapon while on duty and except if given express permission by authorities in charge of the premises or property. Employees who violate these provisions will be subject to discipline up to and including termination in addition to penalties specified in the act.

Prevention

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay,” or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City of St. Charles without proper authorization.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. The City of St. Charles is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

In order to prevent workplace violence committed by employees, the City will practice the following preventive measures:

1. *Application/Interview Process:* All potential new hires must complete an employment application in order to be considered. Human Resources will inquire about any felony convictions listed on the application and will determine if the conviction disqualifies the applicant for the position applied for.
2. *Pre-Employment Screening:* Before Human Resources hires an applicant (at any level), it will conduct reference checks using both personal references and previous employers listed on the application. The Police Department Records Section and/or background-checking agency also conducts a local background check. A more extensive background check may be conducted depending on the position.
3. *Employee Assistance Program (EAP):* The City of St. Charles provides a confidential Employee Assistance Program for its employees and family members to deal with emotional, substance abuse, marital, and financial problems. (See Chapter 7 for further information on this resource.)
4. *Retention:* Employees must notify Human Resources of any criminal convictions (including pleas of guilty or no contest) within twenty-four (24) hours of the conviction. The Director of Human Resources will determine if the nature of the conviction and the employee's job poses an unreasonable risk to co-workers or the public.
5. *Exit Interviews:* Human Resources conducts exit interviews when an employee leaves the City. The exit interview helps the City identify any potential violence-related problems within a department or the City as a whole.

Employees are also encouraged to submit suggestions for reducing risk of violence or improving negative working conditions.

Reporting Procedures

All City employees are responsible for notifying their supervisor and/or the Director of Human Resources of any threats they have witnessed, received, or have been told that another person has witnessed or received from an employee,

citizen, customer, vendor supplier, or even family and friends of an employee. The supervisor must notify the Director of Human Resources, and all reported incidents will be investigated. Even without an actual threat, employees should report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job-related or might be carried out on City property. Employees are responsible for reporting this behavior regardless of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who were threatened or were the focus of the threatening behavior.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening. Call your supervisor or 911 to dispatch the Police Department.

Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. The City will actively intervene at any indication of a possibly hostile or violent situation.

Additionally, all individuals who apply for or obtain protective or restraining order which lists City locations as being protected areas must provide the Director of Human Resources with a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order which is granted.

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Human Resources Department if any employee exhibits behavior, which could be a sign of a potentially dangerous situation. Such behavior includes:

- Bringing weapons to the workplace (other than as required for their job);
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior.

Enforcement

Once a complaint of threats of (or actual) violence has been received, or after a violent act has occurred, the Director of Human Resources, in conjunction with the department director and/or City of St. Charles Police Department, will conduct a prompt and thorough investigation of the matter.

The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

After the investigation, any employees involved in a threatening or violent act will receive disciplinary action. Because the City of St. Charles has adopted a no tolerance policy regarding threats or violence, guilty parties may be

terminated. Non-employees engaged in violent acts on the employer's premises would be reported to the proper authorities and fully prosecuted.

Aftermath

Violent incidents can be very traumatic for employees and their families. Should such an incident occur, the City will provide on-site visits from Tri-City Family Services to help employees cope and to communicate any further action the City will take. As always, individual counseling will be available.

Management will also review current security measures and procedures and make applicable changes to prevent future problems.

DRUG-FREE WORKPLACE

APP: ALL EMPLOYEES

The City of St. Charles provides a safe, healthy, and productive workplace where all employees strive to provide excellent service to the community. Since the use of alcohol and/or drugs jeopardizes the safety and productivity of the user, as well as his/her fellow employees, the City will strive to maintain an alcohol and drug-free workplace.

A drug-free workplace prohibits the manufacture, distribution, dispensing, possession, or use of controlled substances and associated paraphernalia. This includes the misuse or abuse of prescription drugs. It also includes attempting to enter or being in the workplace under the influence of alcohol, drugs, or controlled substances. The workplace is defined as entry upon or presence on City property, any work site throughout the City, including the parking lot, driveway, or any other City premises or work site. This includes City vehicles and any private vehicles parked on City premises or work sites.

Any violation of this policy, or outside involvement in illegal drug activities leading to arrest and resulting in anything other than a "not guilty" verdict, will cause disciplinary action to be taken, up to and including termination.

Employee Assistance Program (EAP)

The City seeks to retain valuable employees and maintain productivity and service by identifying personal problems at early stages and motivating employees to seek assistance for these problems. However, it is each employee's responsibility to seek assistance before a substance abuse problem affects judgment, performance, or behavior.

Employees who request or voluntarily agree to participate in a federal or state approved rehabilitation program to correct a substance abuse problem may be given a two-time opportunity to do so, with pending disciplinary action being suspended, provided he/she maintains satisfactory participation in, and completes the program.

The City has contracted an Employee Assistance Program with Tri-City Family Services in Geneva.

Payment Responsibility

Applicable charges may be covered under the employee's health insurance, and this shall be the extent of the City's cost liability for the employee to participate in an assistance or rehabilitation program. Costs that are not covered by the employee's insurance will be the employee's responsibility.

Substance Use Testing

Pre-employment, post-accident, and random drug testing procedures are described in the DOT, Non-DOT, MAP, and IAFF Substance Use policies.

Reporting Violations/Convictions

Any employee convicted of violating a criminal drug statute while in this workplace must inform the Director of Human Resources of such conviction (including pleas of “No Contest”) **within five (5) working days of the conviction** as required by the Federal Drug-Free Workplace Act of 1988. Failure to inform the City subjects the employee to disciplinary action, up to and including termination for the first offense. The City reserves the right, at its discretion, to offer employees convicted of violating a criminal drug statute in the workplace, participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered and accepted, the employee must satisfactorily participate in the program as a condition of continued employment.

This policy is not intended to cover, and should not be regarded as covering, every possible situation that could occur. It does, however, put forth the City’s intent and a foundation from which to work. Unique and/or unusual circumstances that do come up will be dealt with on an individual basis.

Additional Information

The City of St. Charles’ Drug-Free Workplace Policy contains information about the City’s position on substance abuse, the Employee Assistance Programs with Tri-City Family Services and procedural guidelines. Additional information on the Federal Drug-Free Workplace Act of 1988 is available in the Human Resources Department.

SUBSTANCE USE (NON-DOT EMPLOYEES)

*APP: ALL EMPLOYEES
(EXCEPT TEAMSTERS,
SWORN POLICE, IAFF, AND
IBEW EMPLOYEES)*

The City of St. Charles is committed to providing a safe and productive work environment for all employees and visitors. Employee health and overall well being of the mind and body are important. The adverse effects of drug and alcohol use by employees are unacceptable. Consistent with the spirit and intent of this commitment, the City of St. Charles has developed and implemented the following substance use (drugs and alcohol) policy for its non-DOT positions.

Substance Use Prohibited

All locations at which City business is conducted, are declared to be drug-free work places. The use, possession, distribution and/or sale of drugs or alcohol on City premises or during work time by employees or visitors is prohibited. This includes reporting to work after using drugs that are illegal under state or federal law. In accordance with this policy, urinalysis tests will be conducted to detect the six (6) following substances for non-DOT classified employees: amphetamines, cocaine, marijuana, opiates, 6-Accetylmorphine, and phencyclidine (PCP). Breath tests will be conducted to detect the presence of alcohol at or above the .02 level. Suspected cases of illegal workplace drug/alcohol possession or the distribution or sale of drugs/alcohol will be referred to law enforcement authorities. Employees who use drugs/alcohol harm themselves, endanger others, and can affect the efficiency and effectiveness of City operations.

Substance Testing

Drug Testing

All urine samples shall be split-samples. The "primary sample" shall be at least 30 ml. of urine; the "split sample" shall be at least 15 ml. The employee will be provided an 8-ounce glass of water every 30 minutes, but not to exceed a maximum of 40 ounces over a period of 3 hours or until the donor has provided a sufficient urine specimen. The employee shall consume that amount which is not uncomfortable.

Failure of the employee to provide that quantity even after a three (3) hour second opportunity following drinking up to forty (40) ounces of water, will cause the employee to be referred for a medical evaluation to develop pertinent information as to whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. The medical evaluation shall go to the Medical Review Officer (MRO) who will make a conclusion in writing to the City. While this process is being accomplished, the employee will not be allowed to report to work.

The employer will pay for all tests it directs.

Alcohol Testing

Two breath tests are required to determine if the employee has a prohibited alcohol concentration. A "screen" test shall be conducted first. Any result less than .02 alcohol concentration is considered a negative test, and a second test is not required. If the alcohol concentration is .02 or greater, a second or "confirmation test" must be conducted. The employer will pay for all tests it directs. Time spent at the site and traveling to and from the testing site shall be treated as work time.

Post-Offer Testing

No one will be hired or re-hired until they submit to a urine test for evidence of illegal drug use and test negative. No one will be promoted or transferred to a position that requires a physical and functional until they take and pass a urine test for evidence of illegal drug use. All post-offer individuals will be scheduled at the City designated medical provider for substance use testing. The City designated medical provider uses only SAMHSA certified labs. The prospective employee will be required to sign a consent form, show a photo identification, and provide a urine specimen under the security requirements of the medical provider. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectrometry (GCMS) before specimens are regarded positive. Should a post-offer individual refuse a substance test or test positive, the offer will be rescinded. All results will be confidential.

Test Cutoff Levels Defined

The initial test cut-off levels are defined as at or above:

INITIAL TEST CUT-OFF LEVELS	
Marijuana metabolites	50 ng/ml
Cocaine metabolites	150 ng/ml
Opiate metabolites Codeine/Morphine	2000 ng/ml
6-Accetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml

INITIAL TEST CUT-OFF LEVELS	
Amphetamines	
AMP/MAMP (methamphetamine)	500 ng/ml
MDMA (ecstasy)	500 ng/ml

A positive urine/blood test is defined as at or above these levels of GC/MS confirmation:

DRUGS	
Marijuana metabolites	15 ng/ml
Benzoylcegonine	100 ng/ml
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-Acetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines	250 ng/ml
Methamphetamine	250 ng/ml
MDMA (ecstasy)	250 ng/ml
MDA	250 ng/ml
MDEA	250 ng/ml

Post-Employment Drug Testing

Once an applicant is hired, the employee may be subject to the following tests:

Post-Accident Testing

Vehicle Accidents - Employee(s) involved in a reportable accident must be tested for substance use if one or more of the following apply:

1. Fatality.
2. If employee is the driver and receives medical treatment away from accident site (testing must occur within 8 hours of the accident for alcohol and 32 hours of the accident for drugs).
3. If employee is the driver and any vehicle is towed (testing must occur within 32 hours of the incident for drugs.)
4. Reasonable suspicion of drug usage.

Employee Accident

All employees will be tested for substance use if seeking medical treatment with a medical provider (hospital, clinic, or physician's office) following a work-related injury.

If a required alcohol test is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test. If a required controlled substance test is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test. The employer shall prepare and maintain on file a record stating the reason if a test was not promptly administered. If the employee refuses to submit to the substance use test, he/she will be treated as if he/she tested positive. Refusal to be tested may consist of attempting to

adulterate sample, substitution of sample, or failure to cooperate in the testing process to include deliberate delay in showing up for the test.

Reasonable Suspicion Testing

Employees who are suspected of using drugs at any time or alcohol during work hours will be tested for substance use. This suspicion must be based on the supervisor's specific observations concerning the appearance, behavior, speech and/or body odors of the employee. Supervisors have been trained to do this. Testing for alcohol must occur within eight (8) hours of the supervisor's observation. Testing for drugs can occur whenever there is suspicion. Employees selected for testing because of reasonable suspicion will be escorted to the medical provider to provide a breath and/or urine specimen(s) in accordance with the City policy guidelines. All positive results will be confirmed by Gas Chromatography/Mass Spectroscopy (GCMS) before specimens are regarded positive. All positive drug test results will also be reviewed by a Medical Review Officer before results are reported to the City. All positive breath alcohol screens will be confirmed by a second breath alcohol test.

Positive Employee Post-Accident/Reasonable Suspicion Test Results

Positive test results for these tests are defined as:

1. An employee admission that he or she has used drugs and/or alcohol prior to reporting to work or while working.
2. A breath alcohol concentration of .02 or greater.
3. Positive urine test at or above levels stated in the pre-placement result section.
4. Refusal to be tested, which may consist of attempting to adulterate sample, substitution of sample, or failure to cooperate in the testing process to include deliberate delay.

Refusals or Positive Test - Removal From The Job

Employees who refuse to be tested will be treated as if they tested positive. Refusal consists of attempting to adulterate sample, substitution of sample, or failure to cooperate in the testing process to include deliberate delay. The City may terminate the employee upon a positive test result. The employee, if testing positive, will be removed from his/her job immediately, required to have an evaluation and education with the Substance Abuse Professional through the Employee Assistance Program (Tri-City Family Services), comply with and complete any recommended rehabilitation, and authorize the program to keep the City of St. Charles abreast of the employee's drug-free accomplishments. EAP services beyond the group health benefits provided by the City of St. Charles at the time of treatment are the responsibility of the employee.

Employee Assistance Program (EAP)

Any employee violating this policy is subject to discipline including suspension and/or termination. However, should any employee be convicted of violating a criminal drug statute in the workplace, discipline of the employee will be termination, referral to law enforcement and/or participation in an approved rehabilitation or drug use employee assistance program (EAP). The Employee Assistance Program for City of St. Charles employees is Tri-City Family Services. If such help is offered and accepted, the employee must satisfactorily take part in the program to continue employment. The City believes that rehabilitation is the preferred solution to any such problem as it both protects our

investment in a trained employee and treats the employee concerned with dignity. Payment beyond the group health benefits provided by the City of St. Charles at the time of treatment is the responsibility of the employee.

EAP Requirements

1. Employees in treatment due to a violation of this policy may be placed on medical leave at the discretion of the City. Employees who successfully complete rehabilitation will be reinstated to an available opening for which they are qualified.
2. All employees who have tested positive and completed rehabilitation will be required to submit to testing with or without cause when ordered by the City for up to five (5) years following completed rehabilitation.
3. Employees who fail to cooperate in an evaluation, fail to successfully complete rehabilitation, or test positive more than once will be terminated.
4. Some or all of the expenses of rehabilitation may be covered by the employee's insurance. Expenses not covered are the responsibility of the employee.
5. Employees may volunteer for rehabilitation and treatment but may not avoid discipline by volunteering. All rehabilitation provisions will still apply. No more than two such leaves for voluntary treatment will be granted to any employee.

Drug Education

Employees have the right to know about the dangers of drug use in the workplace, the City policy regarding a drug-free workplace, and what is available to help combat drug problems. Education programs on the dangers of drug use in the workplace will be made available on a regular basis. Employees will be made aware of the several kinds of help that are available on a voluntary basis.

These include:

1. Medical insurance benefits for substance use programs.
2. Information about community resources for assessment and treatment.
3. Tri-City Family Services (Employee Assistance Program).

We have established this help as part of our commitment to the health, safety, and well-being of our employees and their families. Employees are encouraged to use it as needed.

Policy Acknowledgment

All employees must acknowledge in writing (see Substance Use Policy Acknowledgment Form) that they have been informed of the above policy and agree to abide by it in all respects.

Rights and Responsibilities Under the City of St. Charles Policy

Employee Rights

1. The City of St. Charles will tell the employee that he/she can't bring in, make, distribute or sell, use, or even have with him/her any illegal drugs or alcohol when at work or on City premises.
2. The City of St. Charles will tell the employee what help the City has available to him/her for combating drug and alcohol problems.

3. The City of St. Charles will give the employee a written policy statement explaining the policy about drugs in the workplace.

Criminal Conviction

If an employee is convicted by a court of a substance use related criminal violation, the employee may be:

1. Disciplined up to and including termination; or
2. Offered help available to combat the employee's involvement with drugs or alcohol in accordance with the City policy.

Employee Responsibilities

1. The employee must read the policy statement and certify that he/she has done so.
2. The employee must agree to abide by the guidelines of the City's policy. The City of St. Charles can terminate an employee if he/she does not agree.
3. The employee must satisfactorily complete all the steps associated with any offered rehabilitation program.

This policy will be enforced in a manner that is consistent with applicable federal, state, and local laws. If an employee has any questions or comments about this policy, please contact the Human Resources Department.

SUBSTANCE USE (NON-DOT EMPLOYEES SUBJECT TO RANDOM DRUG SCREENS)

APP: NON-DOT EMPLOYEES SUBJECT TO RANDOM DRUG SCREENS

The City of St. Charles is committed to providing a safe and productive work environment for all employees and visitors. Employee health and overall well-being of the mind and body are important. The adverse effects of drug and alcohol use by employees are unacceptable. Consistent with the spirit and intent of this commitment, the City of St. Charles has developed and implemented the following substance use (drugs and alcohol) policy for its Non-D.O.T. positions.

Substance Use Prohibited

All locations at which City business is conducted are declared to be drug-free work places. The use, possession, distribution, and/or sale of drugs or alcohol on City premises or during work time by employees or visitors is prohibited. This includes reporting to work after using drugs that are illegal under state or federal law. In accordance with this policy, urinalysis tests will be conducted to detect the six (6) following substances for Non-D.O.T. classified employees: amphetamines, cocaine, marijuana, opiates, 6-Acetylmorphine, and phencyclidine (PCP). Breath tests will be conducted to detect the presence of alcohol at or above the .02 level. Suspected cases of illegal workplace drug/alcohol possession or the distribution or sale of drugs/alcohol will be referred to law enforcement authorities. Employees who use drugs/alcohol harm themselves, endanger others, and can affect the efficiency and effectiveness of City operations.

Substance Testing

Drug Testing

All urine samples shall be split-samples. The "primary sample" shall be at least 30 ml. of urine; the "split sample" shall be at least 15 ml. The employee will be provided an 8 ounce glass of water every 30 minutes, but not to exceed a maximum of 40 ounces over a period of 3 hours or until the donor has provided a sufficient urine specimen. The employee shall consume that amount which is not uncomfortable.

Failure of the employee to provide that quantity even after a three (3) hour second opportunity following drinking up to forty (40) ounces of water, will cause the employee to be referred for a medical evaluation to develop pertinent information as to whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. The medical evaluation shall go to the Medical Review Officer (MRO) who will make a conclusion in writing to the City. While this process is being accomplished the employee will not be allowed to report to work. The employer will pay for all tests it directs.

Alcohol Testing

Two breath tests are required to determine if the employee has a prohibited alcohol concentration. A "screen" test shall be conducted first. Any result less than .02 alcohol concentration is considered a negative test and a second test is not required. If the alcohol concentration is .02 or greater, a second or "confirmation test" must be conducted. The employer will pay for all tests it directs. Time spent at the site and traveling to and from the testing site shall be treated as work time.

Post-Offer Testing

No one will be hired or re-hired until they take and pass a urine test for evidence of illegal drug use. All post-offer individuals will be scheduled at the City designated medical provider for substance use testing. The City designated medical provider uses only SAMHSA certified labs. The prospective employee will be required to sign a consent form, show a photo identification, and provide a urine specimen under the security requirements of the medical provider. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectrometry (GCMS) before specimens are regarded positive. Should a post-offer individual refuse a substance test or test positive, the offer will be rescinded. All results will be confidential.

Test Cutoff Levels Defined

The initial test cut-off levels are defined as at or above:

INITIAL TEST CUT-OFF LEVELS	
Marijuana metabolites	50 ng/ml
Cocaine metabolites	150 ng/ml
Opiate metabolites Codeine/Morphine	2,000 ng/ml
6-Accetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines AMP/MAMP (Methamphetamine) MDMA (ecstasy)	500 ng/ml 500 ng/ml

A positive urine/blood test is defined as at or above these levels of GC/MS confirmation:

DRUGS	
Marijuana metabolites	15 ng/ml
Benzoylcegonine	100 ng/ml
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-Acetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines	250 ng/ml
Methamphetamine	250 ng/ml
MDMA (ecstasy)	250 ng/ml
MDA	250 ng/ml
MDEA	250 ng/ml

Post-Employment Drug Testing

Once an applicant is hired, the employee may be subject to the following tests:

Post-Accident Testing

Vehicle Accidents - Employee(s) involved in a reportable accident must be tested for substance use if one or more of the following apply:

1. Fatality.
2. If employee is the driver and receives medical treatment away from accident site (testing must occur within 8 hours of the accident for alcohol and 32 hours of the accident for drugs).
3. If employee is the driver and any vehicle is towed (testing must occur within 32 hours of the incident for drugs).
4. Reasonable suspicion of drug usage.

Employee Accident

All employees will be tested for substance use if seeking medical treatment following a work-related injury with a medical provider (hospital, clinic, or physician's office).

If a required alcohol test is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test. If a required controlled substance test is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test. The employer shall prepare and maintain on file a record stating the reason if a test was not promptly administered. If the employee refuses to submit to the substance use test, he/she will be treated as if he/she tested positive.

Random Selection Testing

The City of St. Charles utilizes a computerized random selection program at the City's medical provider to generate names to be tested for substance use. All employees in the random selection pool have an equal chance to be selected. A computer does the actual selection and provides two lists as follows:

1. List of each employee in the City pool at the time of selection.
2. List of the actual employees selected at the time of selection.

Reasonable Suspicion Testing

Employees who are suspected of using drugs at any time or alcohol during work hours will be tested for substance use. This suspicion must be based on the supervisor's specific observations concerning the appearance, behavior, speech, and/or body odors of the employee. Supervisors have been trained to do this. Testing for alcohol must occur within eight (8) hours of the supervisor's observation. Testing for drugs can occur whenever there is suspicion.

Employees selected for testing because of reasonable suspicion will be escorted to the medical provider to provide breath and/or urine specimen(s) in accordance with the City policy guidelines. All positive drug test results will be confirmed by Gas Chromatography/Mass Spectroscopy (GCMS) before specimens are regarded positive. All positive results will also be reviewed by a Medical Review Officer before results are reported to the City. All positive breath alcohol screens will be confirmed by a second breath alcohol test.

Positive Employee Post-Accident/Reasonable Suspicion Test Results

Positive test results for these tests are defined as:

1. An employee admission that he or she has used drugs and/or alcohol prior to reporting to work or while working.
2. A breath alcohol concentration of .02 or greater.
3. Positive urine test at or above levels stated in the pre-placement result section.
4. Refusal to be tested, which may consist of attempting to adulterate the sample, substitution of the sample; or failure to cooperate in the testing process.

Refusals or Positive Test - Removal From The Job

Employees who refuse to be tested will be treated as if they tested positive. Refusal consists of attempting to adulterate the sample, substitution of the sample, or failure to cooperate in the testing process to include deliberate delay. The City may terminate the employee upon a positive test result. The employee, if testing positive, will be removed from his/her job immediately, required to have an evaluation and education with the Substance Abuse Professional through the Employee Assistance Program (Tri-City Family Services), comply with and complete any recommended rehabilitation, and authorize the program to keep the City of St. Charles abreast of the employee's drug-free accomplishments. EAP services beyond the group health benefits provided by the City of St. Charles at the time of treatment are the responsibility of the employee.

Employee Assistance Program (EAP)

Any employee violating this policy is subject to discipline, including suspension and/or termination. However, should any employee be convicted of violating a criminal drug statute in the workplace, discipline of the employee will be termination, referral to law enforcement, and/or participation in an approved rehabilitation or drug use employee assistance program (EAP). The Employee Assistance Program for City of St. Charles employees is Tri-City Family Services. If such help is offered and accepted, the employee must satisfactorily take part in the program to continue employment. The City believes that rehabilitation is the preferred solution to any such problem, as it both protects our investment in a trained employee and treats the employee concerned with dignity. Payment beyond the group health benefits provided by the City of St. Charles at the time of treatment is the responsibility of the employee.

EAP Requirements

1. Employees in treatment due to a violation of this policy may be placed on medical leave at the discretion of the City. Employees who successfully complete rehabilitation will be reinstated to an available opening for which they are qualified.
2. All employees who have tested positive and completed rehabilitation will be required to submit to testing with or without cause when ordered by the City for up to five (5) years following completed rehabilitation.
3. Employees who fail to cooperate in an evaluation, fail to successfully complete rehabilitation, or test positive more than once will be terminated.
4. Some or all of the expenses of rehabilitation may be covered by the employee's insurance. Expenses not covered are the responsibility of the employee.
5. Employees may volunteer for rehabilitation and treatment but may not avoid discipline by volunteering. All rehabilitation provisions will still apply. No more than two such leaves for voluntary treatment will be granted to any employee.

Drug Education

Employees have the right to know about the dangers of drug use in the workplace, the City policy regarding a drug-free workplace, and what is available to help combat drug problems. Education programs on the dangers of drug use in the workplace will be made available on a regular basis. Employees will be made aware of the several kinds of help that are available on a voluntary basis.

These include:

1. Medical insurance benefits for substance use programs
2. Information about community resources for assessment and treatment
3. Tri-City Family Services (Employee Assistance Program)

We have established this help as part of our commitment to the health, safety, and well-being of our employees and their families; employees are encouraged to use it as needed.

Policy Acknowledgment

All employees must acknowledge in writing (see Substance Use Policy Acknowledgment form) that they have been informed of the above policy and agree to abide by it in all respects.

Rights and Responsibilities***Employee Rights***

1. The City of St. Charles will tell the employee that he/she can't bring in, make, distribute or sell, use, or even have with him/her any illegal drugs or alcohol when at work or on City premises.
2. The City of St. Charles will tell the employee what help the City has available to him/her for combating drug and alcohol problems.
3. The City of St. Charles will give the employee a written policy statement explaining the policy about drugs in the workplace.

Criminal Conviction

If an employee is convicted by a court of a substance use related criminal violation, the employee may be:

1. Disciplined up to and including termination; or
2. Offered help available to combat the employee's involvement with drugs or alcohol in accordance with the City policy.

Employee Responsibilities

1. The employee must read the policy statement and certify that he/she has done so.
2. The employee must agree to abide by the guidelines of the City's policy. The City of St. Charles can terminate an employee if he/she does not agree.
3. The employee must satisfactorily complete all the steps associated with any offered rehabilitation program.

This policy will be enforced in a manner that is consistent with applicable federal, state, and local laws. If an employee has any questions or comments about this policy, please contact the Human Resources Department.

SUBSTANCE USE (DOT EMPLOYEES)

*APP: ALL EMPLOYEES
REQUIRED TO HAVE A
CDL*

The City of St. Charles is committed to providing a safe and productive work environment for all employees and visitors. Employee health and overall well-being of the mind and body are important. The adverse effects of drug and alcohol use by employees are unacceptable. All aspects of the City's drug/alcohol testing policy including, but not limited to, the collection, handling, shipping, receiving and storage of specimens, laboratory analysis procedures, record keeping and the reporting of test results shall comply with federal regulations (49 C.F.R. Part 40. and 382). Employees shall not be required to waive any claim or cause of action under the law. The DOT positions include those employees with Commercial Driver's Licenses (CDL).

Substance Use Prohibited

All locations at which City business is conducted are declared to be drug-free work places. The use, possession, distribution and/or sale of drugs or alcohol on City premises or during work time by employees or visitors is prohibited. This includes reporting to work after using drugs that are illegal under federal law. In accordance with this policy, urinalysis tests will be conducted to detect the six (6) following substances for DOT classified employees: amphetamines, cocaine, marijuana, opiates, 6-Acetylmorphine, and phencyclidine (PCP). Breath tests will be conducted to detect the presence of alcohol at or above the .02 level. Suspected cases of illegal workplace drug/alcohol possession or the distribution or sale of drugs/alcohol will be referred to law enforcement authorities. Employees who use drugs/alcohol harm themselves, endanger others, and can affect the efficiency and effectiveness of City operations.

Substance Testing

Drug Testing

All urine samples shall be split-samples. The "primary sample" shall be at least 30 ml. of urine; the "split sample" shall be at least 15 ml. The employee will be provided an 8-ounce glass of water every 30 minutes, but not to exceed a maximum of 40 ounces over a period of 3 hours or until the donor has provided a sufficient urine specimen. The employee shall consume that amount which is not uncomfortable.

Failure of the employee to provide the split sample will cause the employee to be referred for a medical evaluation to develop pertinent information as to whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. This will be completed within five (5) days. The medical evaluation shall go to the Medical Review Officer (MRO) who will make a conclusion in writing to the City. While this process is being accomplished, the employee will not be allowed to report to work.

The employer will pay for all tests it directs.

Alcohol Testing

Two breath tests are required to determine if the employee has a prohibited alcohol concentration. A "screen" test shall be conducted first. Any result less than .02 alcohol concentration is considered a negative test, and a second test is not required. If the alcohol concentration is .02 or greater, a second or "confirmation test" must be conducted. The employer will pay for all tests it directs. Time spent at the site and traveling to and from the testing site shall be treated as work time.

Post-Offer Testing

No one will be hired or re-hired until they submit to a urine test for evidence of illegal drug use and test negative. No one will be promoted or transferred to a position that requires a physical and functional until they take and pass a urine test for evidence of illegal drug use. All post-offer individuals will be scheduled at the City designated medical provider for substance use testing. The City designated medical provider uses only SAMHSA certified labs. The prospective employee will be required to sign a consent form, show photo identification, and provide a urine specimen under the security requirements of the medical provider. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectrometry (GCMS) before specimens are regarded positive. Should a post-offer individual refuse a substance test or test positive, the offer will be rescinded. All results will be confidential.

Test Cutoff Levels Defined

The initial test cut-off levels are defined as at or above:

INITIAL TEST CUT-OFF LEVELS	
Marijuana metabolites	50 ng/ml
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6-Accetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines AMP/MAMP (Methamphetamine) MDMA (ecstasy)	500 ng/ml 500 ng/ml

A positive urine/blood test is defined as at or above these levels of GC/MS confirmation:

DRUGS	
Marijuana metabolites	15 ng/ml
Benzoylcegonine	100 ng/ml
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-Accetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines	250 ng/ml
Methamphetamine	250 ng/ml

MDMA (ecstasy)	250 ng/ml
MDA	250 ng/ml
MDEA	250 ng/ml

Post-Employment Drug Testing

Once an applicant is hired, the employee may be subject to the following tests:

Post-Accident Testing

Vehicle Accident - employee(s) involved in a reportable accident must be tested for substance use if one or more of the following apply:

1. Fatality.
2. If the employee is the driver, receives a citation, and medical treatment away from accident site is required (testing must occur within eight (8) hours of the accident for alcohol and thirty-two (32) hours of the accident for drugs).
3. If the employee is the driver, receives a citation, and any vehicle is towed (testing must occur within thirty-two (32) hours of the incident for drugs).
4. Reasonable suspicion of drug usage.

Employee Accident

All employees will be tested for substance use if seeking medical treatment with a medical provider (hospital, clinic, or physician's office) following a work-related injury.

If a required alcohol test is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test. If a required controlled substance test is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test. The employer shall prepare and maintain on file a record stating the reasons if a test was not promptly administered. Records shall be submitted to the FMCSA upon request. If the employee refuses to submit to the substance use test, he/she will be treated as if he/she tested positive.

Reasonable Suspicion Testing

Employees who are suspected of using drugs at any time or alcohol during work hours will be tested for substance use. This suspicion must be based on the supervisor's specific observations concerning the appearance, behavior, speech, and/or body odors of the employee. Supervisors have been trained to do this. Testing for alcohol must occur within eight (8) hours of the supervisor's observation. Testing for drugs can occur whenever there is suspicion.

Employees selected for testing because of reasonable suspicion will be escorted to the medical provider to provide a breath and/or urine specimen(s) in accordance with the City policy guidelines. All positive drug screens will be confirmed by Gas Chromatography/Mass Spectroscopy (GCMS) before specimens are regarded positive. All positive drug test results will also be reviewed by a Medical Review Officer before results are reported to the City. All positive breath alcohol screens will be confirmed by a second breath alcohol test.

Random Selection Testing

The City of St. Charles utilizes a computerized random selection program at the City designated medical provider to provide names to be tested for substance use. All employees in the random selection pool have an equal chance to be selected. A computer does the actual selection and provides two lists as follows:

1. List of each employee in the City pool at the time of selection.
2. List of the actual employees selected at the time of selection.

Positive Employee Post-Accident, Reasonable Suspicion, Random Selection Test Results

Positive test results for these tests are defined as:

1. An employee admission that he or she has used drugs and/or alcohol prior to reporting to work or while working.
2. A breath alcohol concentration of .02 or greater.
3. Positive urine test at or above levels stated in the pre-placement result section.
4. Refusal to be tested, which may consist of attempting to adulterate sample, substitution of sample; or failure to cooperate in the testing process to include deliberate delay.

Refusals or Positive Test - Removal From The Job

Employees who refuse to be tested will be treated as if they tested positive. Refusal consists of attempting to adulterate sample, substitution of sample, or failure to cooperate in the testing process to include deliberate delay. The City may terminate the employee upon a positive test result. The employee, if testing positive, will be removed from his/her job immediately, required to have an evaluation and education with the Substance Abuse Professional through the Employee Assistance Program (Tri-City Family Services), comply with and complete any recommended rehabilitation, and authorize the program to keep the City of St. Charles abreast of the employee's drug-free accomplishments. EAP services beyond the group health benefits provided by the City of St. Charles at the time of treatment are the responsibility of the employee.

Employee Assistance Program (EAP)

Any employee violating this policy is subject to discipline including suspension and/or termination. However, should any employee be convicted of violating a criminal drug statute in the workplace, discipline of the employee will be termination, referral to law enforcement, and/or participation in an approved rehabilitation or drug use employee assistance program (EAP). The Employee Assistance Program for City of St. Charles employees is administered through Tri-City Family Services. If such help is offered and accepted, the employee must satisfactorily take part in the program to continue employment. The City believes that rehabilitation is the preferred solution to any such problem as it both protects our investment in a trained employee and treats the employee concerned with dignity. Payment beyond the group health benefits provided by the City of St. Charles at the time of treatment is the responsibility of the employee.

EAP Requirements

1. Employees in treatment due to a violation of this policy may be placed on medical leave at the discretion of the City. Employees who successfully complete rehabilitation will be reinstated to an available opening for which they are qualified.
2. All employees who have tested positive and completed rehabilitation will be required to submit to testing with or without cause when ordered by the City for up to five (5) years following completed rehabilitation.
3. Employees who fail to cooperate in an evaluation, fail to successfully complete rehabilitation, or test positive more than once will be terminated.
4. Some or all of the expenses of rehabilitation may be covered by the employee's insurance. Expenses not covered are the responsibility of the employee.
5. Employees may volunteer for rehabilitation and treatment but may not avoid discipline by volunteering. All rehabilitation provisions will still apply. No more than two such leaves for voluntary treatment will be granted to any employee.

Drug Education

Employees have the right to know about the dangers of drug use in the workplace, the City policy regarding a drug-free workplace and what is available to help combat drug problems. Education programs on the dangers of drug use in the workplace will be made available on a regular basis. Employees will be made aware of the several kinds of help that are available on a voluntary basis.

These include:

1. Medical insurance benefits for substance use programs.
2. Information about community resources for assessment and treatment.
3. Tri-City Family Services (Employee Assistance Program).

We have established this help as part of our commitment to the health, safety, and well-being of our employees and their families; employees are encouraged to use it as needed.

Policy Acknowledgment

All employees must acknowledge in writing (see Substance Use Policy Acknowledgment Form) that they have been informed of the above policy and agree to abide by it in all respects.

Rights and Responsibilities Under the City of St. Charles Policy

Employee Rights

1. The City of St. Charles will tell the employee that he/she cannot bring in, make, distribute or sell, use, or even have with him/her any illegal drugs or alcohol while at work or on City premises.
2. The City of St. Charles will tell the employee what help the City has available to him/her for combating drug and alcohol problems.
3. The City of St. Charles will give the employee a written policy statement explaining the policy about drugs in the workplace.

Criminal Conviction

If an employee is convicted by a court of a substance use related criminal violation, the employee may be:

1. Disciplined up to and including termination; or
2. Offered help available to combat the employee's involvement with drugs or alcohol in accordance with the City policy.

Employee Responsibilities

1. The employee must read the policy statement and certify that he/she has done so.
2. The employee must agree to abide by the guidelines of the City's policy. The City of St. Charles can terminate an employee if he/she does not agree.
3. The employee must satisfactorily complete all the steps associated with any offered rehabilitation program.

If an employee has any questions or comments about this policy, please contact the Human Resources Department.

SUBSTANCE USE (SWORN POLICE OFFICERS)

APP: ALL SWORN OFFICERS (MAP)

The City of St. Charles is committed to providing a safe and productive work environment for all employees and visitors. Employee health and overall well-being of the mind and body are important. The adverse effects of drug and alcohol use by employees are unacceptable. Consistent with the spirit and intent of this commitment, the City of St. Charles has developed and is implementing the following substance use (drugs and alcohol) policy for the Police Officers in accordance with the MAP contract. All aspects of the City's drug/alcohol testing policy include, but not limited to, the collection, handling, shipping, receiving, and storage of specimens, laboratory analysis procedures, record keeping, and the reporting of test results shall comply with federal regulations.

Substance Use Prohibited

All locations at which City business is conducted are declared to be drug-free work places. The use, possession (except as required in the line of duty), distribution, and/or sale of drugs or alcohol on City premises or during work time by employees or visitors is prohibited. Employees are also prohibited from reporting to work or working under the influence of illegal drugs or alcohol. "Under the influence of drugs or alcohol" is defined as when test results are at or above the levels indicated in this policy. In accordance with this policy, urinalysis tests will be conducted to detect the six (6) following substances for Police Officers:

1. Amphetamines
2. Cocaine
3. Marijuana
4. Opiates
5. 6-Accetylmorphine

6. Phencyclidine (PCP)

Suspected cases of illegal workplace drug/alcohol possession or the distribution or sale of drugs/alcohol will be referred to law enforcement authorities. Employees who use drugs/alcohol harm themselves, endanger others, and can affect the efficiency and effectiveness of City operations.

Substance Use Testing

Drug Testing

Employees may be randomly tested no more than two (2) times per calendar year. All urine samples shall be split-samples. The "primary sample" shall be at least 30 ml. of urine; the "split sample" shall be at least 15 ml. The employee will be provided an eight (8) ounce glass of water every thirty (30) minutes, but not to exceed a maximum of forty (40) ounces over a period of three (3) hours or until the donor has provided a sufficient urine specimen. The employee shall consume that amount which is not uncomfortable.

Failure of the employee to provide that quantity even after a three (3) hour second opportunity following drinking up to forty (40) ounces of water, will cause the employee to be referred for a medical evaluation to develop pertinent information as to whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. The medical evaluation shall go to the Medical Review Officer (MRO) who will make a verbal conclusion in writing to the City. While this process is being accomplished the employee shall not be working.

The employer will pay for all tests it directs.

Alcohol Testing

Two breath tests are required to determine if the employee has a prohibited alcohol concentration. A "screen" test shall be conducted first. Any results less than .04 alcohol concentration is considered a negative test, and a second test is not required. If the alcohol concentration is .04 or greater, a second or "confirmation test" must be conducted. Within two (2) days of receipt, the City shall provide an employee with a copy of any test results the City received with respect to such employee. The employer will pay for all tests it directs. Time spent at the site and traveling to and from the testing site shall be treated as work time.

Post-Offer Testing

No one will be hired or re-hired until they take and pass a urine test for evidence of illegal drug use. All post-offer individuals will be scheduled at the City designated medical provider for substance use testing. The City designated medical provider uses only SAMHSA certified labs. The prospective employee will be required to sign a consent form, show a photo identification, and provide a urine specimen under the security requirements of the City designated medical provider. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectrometry (GCMS) before specimens are regarded positive. Should a post-offer individual refuse a substance test or test positive, the offer will be rescinded. All results will be confidential.

Test Cutoff Levels Defined

The initial test cut-off levels are defined as at or above:

INITIAL TEST CUT-OFF LEVELS	
Marijuana metabolites	50 ng/ml
Cocaine metabolites	150 ng/ml
Opiate metabolites Codeine/Morphine	2000 ng/ml
6-Accetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines AMP/MAMP (methamphetamine) MDMA (ecstasy)	500 ng/ml 500 ng/ml

A positive urine/blood test is defined as at or above these levels of GC/MS confirmation:

DRUGS	
Marijuana metabolites	15 ng/ml
Benzoylcegonine	100 ng/ml
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-Accetylmorphine	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines	250 ng/ml
Methamphetamine MDMA (ecstasy) MDA MDEA	250 ng/ml 250 ng/ml 250 ng/ml 250 ng/ml

Post-Employment Drug Testing

Once an applicant is hired, the employee may be subject to the following tests:

Vehicle Accident

Employee(s) involved in a reportable accident must be tested for substance use if one or more of the following apply:

1. Fatality.
2. If the employee is the driver and receives medical treatment away from accident site (testing must occur within eight (8) hours of the accident for alcohol and thirty-two (32) hours of the accident for drugs).
3. If the employee is the driver and any vehicle is towed (testing must occur within thirty-two (32) hours of the incident).
4. Reasonable suspicion of drug usage.

Employee Accident

All employees will be tested for substance use if seeking medical treatment following a work-related injury with a medical provider (hospital, clinic, or physician's office). The substance use test must be performed within two (2) hours following the accident. If a required alcohol test is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test. If a required controlled substance test is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test. If the employee refuses to submit to the substance use test, he/she will be treated as if he/she tested positive.

Reasonable Suspicion Testing

Employees who are suspected of using drugs at any time or alcohol during work hours will be tested for substance use. This suspicion must be based on the supervisor's specific observations concerning the appearance, behavior, speech and/or body odors of the employee. Testing for alcohol must occur within eight (8) hours of the supervisor's observation. Testing for drugs can occur whenever there is suspicion. Employees will be given a completed and signed copy of the reasonable suspicion checklist at the time that they are directed to undergo reasonable suspicion testing.

Employees selected for testing because of reasonable suspicion will be escorted to the City designated medical provider to provide a urine specimen(s) in accordance with the City policy guidelines. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectroscopy (GCMS) before specimens are regarded positive. All positive drug test results will also be reviewed by a Medical Review Officer before results are reported to the City.

Random Selection Testing

The City of St. Charles utilizes a computerized random selection program at the City designated medical provider to provide names to be tested for substance use. All employees in the random selection pool have an equal chance to be selected. Employees may be randomly tested no more than two (2) times per calendar year unless otherwise specified in union contract. Results will be sent to employee within two (2) days of receiving them in Human Resources. A computer does the actual selection and provides two lists:

1. List of each employee in the City pool at the time of selection.
2. List of the actual employees selected at the time of selection.

Positive Employee Post-Accident, Reasonable Suspicion, Random Selection Test Results

Positive test results for these tests are defined as:

1. An employee admission that he or she has used drugs and/or alcohol prior to reporting to work or while working..
2. A breath alcohol concentration of .04 or greater.
3. Positive urine test at or above levels stated in the pre-employment result section.
4. Refusal to be tested, which may consist of attempting to adulterate sample, substitution of sample, or failure to cooperate in the testing process to include deliberate delay.

Refusals or Positive Test - Removal From The Job

Employees who refuse to be tested will be treated as if they tested positive. Refusal consists of attempting to adulterate sample, substitution of sample, or failure to cooperate in the testing process to include deliberate delay. The City may terminate the employee upon a positive test result. The employee, if testing positive, will be removed from his/her job immediately, required to have an evaluation and education with the Substance Abuse Professional (SAP) through the Employee Assistance Program (Tri-City Family Services), comply with and complete any recommended rehabilitation, and authorize the program to keep the City of St. Charles abreast of the employee's drug-free accomplishments. EAP services beyond the group health benefits provided by the City of St. Charles at the time of treatment are the responsibility of the employee.

Employee Assistance Program (EAP)

Any employee violating this policy is subject to discipline including suspension and/or termination. However, should any employee be convicted of violating a criminal drug statute in the workplace, discipline of the employee will be termination, referral to law enforcement, and/or participation in an approved rehabilitation or drug use employee assistance program (EAP). The Employee Assistance Program for City of St. Charles employees is Tri-City Family Services. If such help is offered and accepted, the employee must satisfactorily take part in the program to continue employment. The City believes that rehabilitation is the preferred solution to any such problem, as it both protects our investment in a trained employee and treats the employee concerned with dignity. Payment beyond the group health benefits provided by the City of St. Charles at the time of treatment is the responsibility of the employee.

EAP Requirements

1. Employees in treatment due to a violation of this policy may be placed on medical leave at the discretion of the City. Employees who successfully complete rehabilitation will be reinstated to an available opening for which they are qualified.
2. All employees who have tested positive and completed an employee assistance/treatment program will be required to submit to testing with or without cause when ordered by the City for up to one (1) year following completed rehabilitation.
3. Employees who fail to cooperate in an evaluation, fail to successfully complete rehabilitation, or test positive more than once will be terminated.
4. Some or all of the expenses of rehabilitation may be covered by the employee's insurance. Expenses not covered are the responsibility of the employee.
5. Employees may volunteer for rehabilitation and treatment but may not avoid discipline by volunteering. All rehabilitation provisions will still apply. No more than two such leaves for voluntary treatment will be granted to any employee.

Drug Education

Employees have the right to know about the dangers of drug use in the workplace, the City policy regarding a drug-free workplace, and what help is available to combat drug problems. Education programs on the dangers of drug use in the workplace will be made available on a regular basis. Employees will

be made aware of the several kinds of help that are available on a voluntary basis.

These include:

1. Medical insurance benefits for substance use programs.
2. Information about community resources for assessment and treatment.
3. Tri-City Family Services (Employee Assistance Program).

We have established this help as part of our commitment to the health, safety, and well-being of our employees and their families. Employees are encouraged to use it as needed.

Policy Acknowledgment

All employees must acknowledge in writing (see Substance Use Policy Acknowledgment Form) that they have been informed of the above policy and agree to abide by it in all respects.

Rights and Responsibilities Under the City of St. Charles Policy

Employee Rights

1. The City of St. Charles will tell the employee that he/she cannot bring in, make, distribute, sell, use, or even have with him/her any illegal drugs or alcohol when at work or on City premises.
2. The City of St. Charles will tell the employee what help the City has available to him/her for combating drug and alcohol problems.
3. The City will give the employee a written policy statement explaining the policy about drugs in the workplace.

Criminal Conviction

If an employee is convicted by a court of a substance use related criminal violation, the employee may be:

1. Disciplined up to and including termination; or
2. Offered help available to combat the employee's involvement with drugs or alcohol in accordance with the City policy.

Employee Responsibilities

1. The employee must read the policy statement and certify that he/she has done so.
2. The employee must agree to abide by the guidelines of the City's policy. The City of St. Charles can terminate an employee if he/she does not agree.
3. The employee must satisfactorily complete all the steps associated with any offered rehabilitation program.

If an employee has any questions or comments about the policy, please contact the Human Resources Department.

SUBSTANCE USE (FIRE)

APP: ALL SWORN
FIREFIGHTERS (IAFF) and
PARAMEDIC SERVICES
OF ILLINOIS (PSI)
EMPLOYEES

Policy Statement

The union and the employer agree that the use of illegal drugs and the misuse of legal drugs and alcohol by members of the fire department present unacceptable risks to the safety and well-being of other employees and the public, invites accidents and injuries, and reduces productivity. In addition, such conduct violates the reasonable expectations of the public that the employees who serve and protect them obey the law and be fit and free from the adverse effects of drug and alcohol use. Any changes to this policy will be discussed at a labor-management meeting and agreed to by both parties.

The City of St. Charles is committed to providing a safe and productive work environment for all employees and visitors. Employee health and overall well-being of the mind and body are important. The adverse effects of drug and alcohol use by employees are unacceptable. Consistent with the spirit and intent of this commitment, the City of St. Charles has developed and is implementing the following substance use (drugs and alcohol) policy for the firefighters, firefighter/paramedics, lieutenants, captains, and fire prevention bureau officers in accordance with the IAFF contract. All aspects of the City's drug/alcohol testing policy including, but not limited to, the collection, handling, shipping, receiving, and storage of specimens, laboratory analysis procedures, record keeping, and the reporting of test results shall comply with federal regulations.

Definitions

- A. "Positive test results" shall mean a positive result on both a confirming test and initial screening test. If the initial test is positive but the confirming test is negative, the test results will be deemed negative and no action will be taken. A positive confirming test result is one where the specimen tested contained alcohol, drug or drug metabolite concentrations at or above the concentration level specified in this appendix.
- B. The term "drug use" includes the use of any controlled substance which has not been legally prescribed and/or dispensed, or the use of a legally prescribed drug for which a valid, predated prescription cannot be documented, which results in evidence of use while on duty.
- C. The term "alcohol use" means that the use of alcohol on or prior to duty, such that at any time during working hours (as specified below) the level of alcohol indicated in this appendix can be detected via breath/urine sample testing, and thus the employee will be presumed to be positive due to the use of alcohol.

Substance Use Prohibited

All locations at which City business is conducted are declared to be drug-free work places. The use, possession, (except, as required, in the line of duty) distribution, and/or sale of drugs or alcohol on City premises or during work time by employees or visitors are prohibited. Employees are also prohibited from reporting to work or working under the influence of illegal drugs or alcohol. "Under the influence of drugs or alcohol" is defined as when test results are at or above the levels indicated in this policy. In accordance with this policy, urinalysis tests will be conducted to detect the six (6) following substances:

amphetamines, cocaine, marijuana, opiates, 6-Acetylmorphine and phencyclidine (PCP). Suspected cases of illegal workplace drug/alcohol possession or the distribution or sale of drugs/alcohol will be referred to law enforcement authorities. Employees who use drugs/alcohol harm themselves, endanger others, and can affect the efficiency and effectiveness of City operations.

Substance Use Testing

Informing Employees Regarding Drug and Alcohol Testing

All employees will be fully informed in writing of the employer's drug and alcohol testing policy. Employees will be provided with information concerning the impact of the use of drugs/alcohol on the job performance. In addition, the employer will inform the employees of how the test is conducted, when the test will be conducted, what the test can determine, and the consequences of testing positive for drug/alcohol use. No employee shall be tested unless this information has been provided to him/her.

The employer will pay for all tests it directs.

Failure to follow any of the procedures set forth in this appendix and policy shall result in the elimination of test results as if no test has been administered. The results shall be destroyed and no discipline shall be levied against any employee where violations of established procedures exist

Post Conditional-Offer Testing

No one will be hired or re-hired until they take and pass a urine test for evidence of illegal drug use. All post conditional offer individuals will be scheduled at the City designated medical provider for substance use testing. The City designated medical provider uses only SAMHSA certified labs. The prospective employee will be required to sign a consent form, show a photo identification, and provide a urine specimen under the security requirements of the City designated medical provider. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectrometry (GCMS) before specimens are regarded positive. Should a post offer individual refuse a substance test or test positive, the offer will be rescinded. All results will be confidential.

When a Test May be Completed

There shall be no across-the-board or random drug/alcohol testing of employees, except as otherwise provided in this appendix. Where there is reasonable suspicion that an employee is under the influence of drugs/alcohol or there is evidence of use while on duty, that employee may be required to report for drug/alcohol testing. A supervisor must have confirmation of reasonable suspicion from the fire chief, assistant chief, or battalion chief. The union shall be notified and the employer shall inform the employee being ordered to submit to test of his/her right to consult with a union representative before submitting to the test. Refusal of an employee to comply with the order for a drug/alcohol screening will be considered as a refusal of a direct order and will be cause for discipline up to and including discharge.

Reasonable Suspicion Standard

Reasonable suspicion exists if specified objective facts and circumstances warrant rational inferences that a person is using, in possession of, and/or individually impaired due to the use of drugs and/or is under the influence of alcohol. Reasonable suspicion will be based upon the following:

1. Observable phenomenon, such as direct observation of use, possession, and/or the evidence of individual symptoms of impairment resulting from using or being under the influence of drugs/alcohol; and/or
2. Information provided by an identifiable, reliable, and credible source that can be independently corroborated.

Employees who are suspected of using drugs during work hours will be tested for substance use. This suspicion must be based on the supervisor's specific observations concerning the appearance, behavior, speech, and/or body odors of the employee. Testing must occur within eight (8) hours of the supervisor's observation. Employees will be given a completed and signed copy of the reasonable suspicion checklist at the time that they are directed to undergo reasonable suspicion testing.

Employees selected for testing because of reasonable suspicion will be escorted to the City designated medical provider to provide a urine specimen(s) in accordance with the City policy guidelines. All positive screens for drug use will be confirmed by Gas Chromatography/Mass Spectroscopy (GCMS) before specimens are regarded positive. All positive results will also be reviewed by a Medical Review Officer (MRO) before results are reported to the City.

Order to Submit to Testing

When an employee is ordered to submit to testing, the employer shall provide the employee with a written notice of the order as soon as possible. Normally, such written notice shall be given no later than twenty-four (24) hours following the order to test. The written notice shall set forth all of the objective facts and reasons for the order to test. The employee shall be permitted to consult with a representative of the union at the time the order is given. No questioning of the employee shall be conducted that is not consistent with the Fireman's Disciplinary Act. A refusal to submit to such testing will be treated as if they tested positive and may subject the employee to discipline as outlined in this policy. Any employee who takes the test shall not be construed to have waived any objection or rights that he/she may have. When testing is ordered, the employee may be immediately removed from duty and placed on paid leave pending the receipt of results.

Random Testing

Random testing shall consist of urine test only. A third party vendor notifies human resources of the shift that is due regarding random drug testing. Human resources shall then contact fire administration with the notification of the shift that is due for random drug testing. The fire chief or his designee will select several dates which are sent to the third party vendor for final selection of the date.

After the date is selected by the third party vendor, a representative from the third party vendor will report to Station 1 to conduct the testing. Full-time sworn personnel of the fire department shall be subject to random drug testing while on-duty. The random testing procedure shall be applied to all twenty-four (24) hour duty shifts. Employees assigned to a forty (40) hour workweek shall be divided evenly and designated to one of the twenty-four (24) hour duty shifts for the purpose of random drug testing. The battalion chief shall notify all three stations prior to selection of the names. After the selection of the names, the battalion chief shall make the necessary arrangements for the selected on-duty personnel to report

to Station 1 to complete their testing, and appropriate personnel shall be held over until after the testing is complete.

The City shall conduct no more than two (2) random drawings per shift per year. Members' names shall be drawn for random testing in the following manner. Nametags identifying all personnel on-duty shall be placed in a container to be drawn one at a time for testing. A union representative or union designee shall conduct the drawing. Three (3) personnel may be selected per drawing. Individual employees may not be subject to random testing more than (2) times per calendar year. The fire chief or his designee shall update and maintain the annual (calendar) random drug testing spreadsheet and make it available to the executive board.

The pool from which each random drawing will be made shall include all employees in the fire department on that shift (including any forty (40) hour employees designated to that shift) but shall exclude employees on injury, illness, sick leave, vacation, Kelly day, FMLA, personal day, or any other time off. After an employee is selected, testing will conform to the provisions of this appendix and policy.

Post Accident Drug Testing

An employee may be subject to the following tests:

Vehicle Accident Testing

Employee(s) involved in a reportable accident must be tested for substance use if one or more of the following apply:

1. Fatality
2. If employee is the driver, receives a moving citation, and medical treatment away from accident site is required (testing must occur within eight (8) hours of the accident for alcohol and thirty-two (32) hours of the accident for drugs).
3. If employee is the driver, receives a moving citation, and any vehicle is towed (testing must occur within eight (8) hours of the accident for alcohol and thirty-two (32) hours of the accident for drugs).
4. Reasonable suspicion of alcohol/drug usage.

Employee Accident

All employees will be tested for substance use if seeking medical treatment due to an on-the-job injury with a medical provider (hospital, clinic, or physician's office).

The substance use test must be performed within two (2) hours following the accident. If a required alcohol test is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test. If a required controlled substance test is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test. If the employee refuses to submit to the substance use test, he/she will be treated as if he/she tested positive.

Conduct of Tests

In conducting the testing herein specified, the employer shall:

1. Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinic Laboratory Act that has or is capable of being accredited by the Substance Abuse Mental Health Service Agency (SAMHSA). The laboratory shall be federally certified and hold all state licenses.
2. Use only a laboratory or facility which uses tamper-proof containers; has a chain-of-custody procedure which must be followed at all times to preserve the integrity of the sample from collection through storage, the conduct of the tests shall be scientifically valid, maintains confidentiality, and preserves specimens for a minimum of six (6) months. The laboratory or facility must be willing to demonstrate their sample handling procedures to the union at least once yearly upon reasonable notice. At the time a urine specimen is given, the employee shall be given a copy of the specimen collection procedures; the specimen must be immediately sealed, labeled, and initialed by the employee to ensure that the specimen tested by the laboratory is that of the employee. If the sample is violated in any manner or the procedure is improperly administered, the sample will be invalid for testing.
3. Collect a sufficient sample of the same bodily fluid or material from a firefighter to allow for initial screening, a confirmatory test, and a sufficient amount to be reserved for later testing if requested by the employee.
4. Collect samples in such manner as to preserve the individual right to privacy, ensure a high degree of security to the sample and its freedom from adulteration. Employees shall not be witnessed by anyone while submitting a sample, except in circumstances where there is reasonable suspicion that the employee has or may attempt to compromise the accuracy of the testing procedure, or otherwise outlined in this appendix.
5. Confirm any employee who tests positive in the initial screening for drugs by testing the second portion of the same sample via gas chromatography, plus mass spectrometry (or "GC/MS") or the equivalent or better scientifically accurate and accepted methods that will provide quantitative data about the detected drug or drug metabolites subject to MRO interpretation.
6. Provide the employee tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the employee's own choosing at the employee's own expense, unless the split sample confirmatory test results are negative. Then the test results will be deemed negative, the cost of the split sample confirmatory test shall be paid for by the City, and all records of the testing procedure will be expunged from the employee's personnel files.
7. Provide each employee tested with a copy of all information and reports received by the employer in connection with the testing and the results.
8. Ensure that no employee, due to reasonable suspicion, is subject to any adverse employment action because of the suspected alcohol or drug use, except emergency temporary re-assignment or leave with pay, during the pendency of any testing procedure. Any such emergency re-assignment

of leave shall be immediately discontinued in the event of a negative test result, and all records of the testing procedure will be expunged from the personnel files.

9. Require that the laboratory or hospital facility report to the employer when a breath or urine sample is positive only if both the initial and confirmatory tests are positive. The parties agree that, should any information concerning such testing or the results thereof be obtained inconsistent with the understanding expressed herein, the employer and the union shall not use such information in any manner or forum adverse to the employee's interest.

Drug Testing

Procedure for the collection of specimens, chain of custody, and reporting laboratory results.

Collection of Specimens:

Collection Site

The employer shall designate a collection site which will have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a certified testing laboratory. A collection site coordinator primarily responsible for the implementation of collection procedures may also be designated by the employer.

Security Procedures

Security procedures developed by the employer shall provide for the security of the designated collection site.

Chain-of-Custody

Standardized chain-of-custody forms shall be properly executed by authorized collection site personnel upon receipt of the specimens. Handling and transportation of specimens from one authorized collection site or place to another shall always be accomplished through chain-of-custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

Access to Authorized Personnel Only

No unauthorized personnel shall be permitted in any part of the designated collection site when specimens are collected or stored.

Privacy

Procedures for collecting specimens shall allow for employee privacy unless there is reason to believe that a particular employee may alter or substitute the specimen to be provided.

Integrity and Identity of Specimen

Precautions shall be taken to ensure that a specimen is not adulterated or diluted during the collection procedure and that information on the specimen container can identify the employee from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

1. To deter the dilution of urine specimens at the collection site, the toilet bluing agents shall be placed in toilet tanks whenever possible, so the reservoir of water in the toilet bowl always remains blue. There shall be

no other source of water (e.g. no shower or sink) in the enclosure where urination occurs.

2. When an employee arrives at the collection site, the collection site person shall request the employee to present photo identification. If the employee does not have proper photo identification, the collection site person shall contact the Fire Chief, or his designee, to positively identify the employee. If the employee's identity cannot be established, the collection site person shall not proceed with the collection.
3. If the employee fails to arrive at the assigned time, the collection site person shall contact the fire chief or his designee to obtain guidance on the action to be taken.
4. The collection site person shall ask the employee to remove any unnecessary outer garments, such as a coat or jacket, that might conceal items or substances that could be used to tamper with or adulterate the employee's urine specimen. The collection site person shall ensure that all personal belongings, such as a purse or briefcase, remain with the outer garments. The employee may retain his/her wallet.
5. The employee shall be instructed to wash and dry his/her hands prior to urination.
6. After washing hands, the employee shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials which could be used to adulterate the urine specimen.
7. The employee may provide his/her urine specimen in the privacy of a stall or otherwise partitioned area that allows for employee privacy.
8. The collection site person shall note any unusual behavior or appearance.
9. All urine samples shall be split samples. The "primary sample" shall be at least thirty (30) ml of urine; the "split sample" shall be at least fifteen (15) ml. The employee will be provided an eight (8) ounce glass of water every thirty (30) minutes, but not to exceed forty (40) ounces over a period of three (3) hours or until the employee has provided a sufficient urine specimen. The employee shall consume that amount which is not uncomfortable.
10. Failure of the employee to provide forty-five (45) ml of urine after a three (3) hour period shall cause the collection site person to contact the fire chief or designee. The employee will be transported by the battalion chief or designee to Tyler Medical Services. The employee will be given a three (3) hour opportunity to provide the split sample under direct observation of a same gender collection site person. The employee will be given up to forty (40) ounces of water during this time. Failure of the employee to provide the split sample quantity during this three (3) hour opportunity will cause the employee to be referred for a medical evaluation to develop pertinent information as to whether the inability to provide a specimen is genuine or constitutes a refusal to test. The MRO will provide the employee with a letter to give his physician that outlines the medical evaluation to be conducted. The medical evaluation,

conducted by the employee's personal physician, will be completed, to include results, within five (5) calendar days of the referral. These results will go to the medical review officer (MRO) immediately, who will then make a conclusion verbally, followed by a written statement to the City. While this process is being accomplished, the employee shall not be working

11. After the urine specimen has been provided and submitted to the collection site person, the employee shall be allowed to wash his/her hands.
12. Immediately after the urine specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measurement is critical and in no case shall exceed four (4) minutes.
13. If the temperature of a urine specimen is outside the range of 32-38°C/90-100°F, there is reason to believe that the employee may have adulterated or substituted the specimen and another specimen shall be collected under direct observation of a same gender collection site person, and both specimens shall be forwarded to the laboratory for testing. An employee may volunteer to have his/her oral temperature taken to provide evidence to counter the reason to believe the employee may have adulterated or substituted the specimen.
14. Immediately after the urine specimen is collected, the collection site person shall inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the chain-of-custody form.
15. All urine specimens suspected of being adulterated shall be forwarded to the laboratory for testing. Appropriate notations shall be made on the chain-of-custody form by the collection site person specifying suspected adulteration or a substitution.
16. Whenever there is reason to believe that a particular employee may have altered or substituted the urine specimen, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.
17. Both the employee being tested and the collection site person shall keep the urine specimen in view at all times prior to its being sealed and labeled. If the specimen is transferred to a second container, the collection site person shall request the employee to observe the transfer of the specimen and the placement of the tamper proof seal over the container cap and down the side of the container.
18. The collection site person and the employee shall be present at the same time during procedures outlined in this section.
19. The collection site person shall place securely on the container an identification label (usually supplied by laboratory) which contains the

- date, the specimen number, and any other identifying information provided or required by the employer.
20. The employee shall initial the identification label on the specimen container for the purpose of certifying that the specimen has not been adulterated or substituted.
 21. The collection site person shall enter in the "collection site book" all information identifying the specimen. The collection site person shall sign the collection site book next to the identifying information.
 22. The employee shall be asked to read and sign a statement in the collection site book certifying that the specimen identified, having been collected from him/her, is in fact that specimen he/she provided.
 23. A higher level supervisor shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based on a reason to believe that the employee may alter or substitute the specimen to be provided.
 24. The collection site person shall complete the chain-of-custody form (one copy to be maintained in the collection site book).
 25. The specimen and chain-of-custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, it shall be safeguarded in a locked refrigerator accessible only by the collection site person during temporary storage.
 26. While any part of the above chain-of-custody procedure is being performed, it is essential that the specimen and custody documents be under the control of the collection site person. If the collection site person leaves his/her work station momentarily, the specimen and chain-of-custody form shall be taken with him/her or shall be secured. After the collection site person returns to the workstation, the custody process will continue. If the collection site person is leaving for an extended period of time, the specimen shall be packaged for mailing or pick-up before he/she leaves the site.

Collection Control

To the maximum extent possible, collection site personnel shall keep the employee's specimen container within sight both before and after the employee has urinated. After the specimen is collected, it shall be properly sealed and labeled. An approved chain-of-custody form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on an approved chain-of-custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

Transportation to Laboratory

Collection site personnel shall arrange to ship the collected specimens to the laboratory. The specimens shall be placed in containers designed to minimize the possibility of damage during shipment (i.e., specimen boxes or padded mailers) and

those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date the specimen was sealed in the container for shipment. The collection site person shall ensure that the chain-of-custody documentation is attached to each container sealed for shipment to the laboratory.

Laboratory Analysis Procedures – Urinalysis

Security and Chain-of-Custody

1. The testing laboratory shall be secure at all times. They shall have in place sufficient security measures to control access to the premises and to ensure that no unauthorized personnel handle specimens or gain access to the laboratory or to areas where records are stored. Access to these secured areas shall be limited to specifically authorized individuals whose authorization is documented. Documentation of individuals accessing these areas, dates and time of entry, and purpose of entry must be maintained.
2. Laboratories shall use chain-of-custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results, during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on an appropriate chain-of-custody form each time a specimen is handled or transferred, and every individual in the chain shall be identified. Accordingly, authorized technicians shall be responsible for each specimen or aliquot (portion of specimen) in their possession and shall sign and complete chain-of-custody forms for those specimens or aliquots as they are received.

Receiving

1. When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible tampering and compare information on specimen containers within each package to the information on the accompanying chain-of-custody forms. Any direct evidence of tampering or discrepancies in the information on specimen containers and chain-of-custody forms attached to the shipment shall be immediately reported to the employer and shall be noted on the laboratory's chain-of-custody form which shall accompany the specimens while they are in the laboratory's possession.
2. Specimen containers will normally be retained within the laboratory's accession area until all specimens have been analyzed. Aliquots and the laboratory's chain-of-custody forms shall be used by laboratory personnel for conducting initial and confirmatory tests.

Short-Term Refrigerated Storage

Specimens that do not receive an initial test within two days of arrival at the laboratory shall be placed in secure refrigeration units. Temperatures shall not exceed 6°C. Emergency power equipment shall be available in case of prolonged power failure.

Specimen Processing

Laboratory facilities for testing will normally process specimens by grouping them into batches. The number of specimens in each batch may vary significantly depending on the size of the laboratory and its workload.

When conducting either initial or confirmatory tests, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of ten percent (10%) controls. Both quality control and blind performance test specimens shall appear as ordinary specimens to laboratory analysts.

Drug Testing Standards

Initial Screening Test Standards

The following initial immunoassay test cutoff levels shall be used when screening specimens to determine whether they are positive for the following six (6) drugs/classes of drugs:

The initial test cut-off levels are defined as at or above:	Initial Test Level
Marijuana metabolites	50 ng/ml
Cocaine metabolites	150 ng/ml
Opiate metabolites (Codeine/Morphine)	2,000 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamines	
AMP/MAMP (Metamphetamine)	500 ng/ml
MDMA (Ecstasy)	500 ng/ml
6-Accetylmorphine	10 ng/ml

Confirmatory Test Standards

All specimens identified as positive on the initial screening test shall be confirmed using GC/MS techniques at the cutoff levels listed below. All confirmation shall be by quantitative analysis. Concentrations which exceed the linear region of the standard curve shall be documented. A positive urine/breath test is defined as at or above these levels of GC/MS Confirmation:

Drugs	Confirmatory Test Level
Amphetamines	250 ng/ml
Cannabinoids	15 ng/ml
Benzoyllecgonine	100 ng/ml
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-Accetylmorphine*	10 ng/ml
Phencyclidine (PCP)	25 ng/ml
Metamphetamine	250 ng/ml
MDMA (Ecstasy)	250 ng/ml
MDA	250 ng/ml
MDEA	250 ng/ml
*Lab test for 6-Accetylmorphine when the morphine concentration exceeds 2000 ng/ml. (Federal Guidelines)	

Positive Employee Test Results

Positive test results for post-accident, (vehicle and employee), reasonable suspicion, or random selection tests are defined as:

1. An employee admission that he or she has used drugs and/or alcohol immediately prior to reporting to work or while working.
2. A breath alcohol level of .04 or greater.
3. Positive urine test at or above levels stated in this appendix.
4. Inability to provide a split sample without medical reasons.

Refusal or Positive Test Results

Employees who refuse to be tested will be treated as if they tested positive and may subject the employee to discipline as outlined in this policy. Any employee who takes the test shall not be construed to have waived any objection or rights that he/she may have. When testing is ordered, the employee may be immediately removed from duty and placed on paid leave pending the receipt of results.

The employee may be required to have an evaluation and education with the Substance Use Professional through the Employee Assistance Program (Tri-City Family Services), comply with and complete any recommended rehabilitation, and authorize the program to keep the City of St. Charles abreast of the drug-free accomplishments.

Discipline

All discipline in situations involving a positive test shall be administered as specified herein:

First Positive

In the first instance that an employee tests positive for drugs or is found to meet or exceed the breath alcohol level specified in this policy, the employee may be subject to discipline up to and including suspension, not to exceed five (5) duty shift days. The foregoing limit on suspension is conditioned upon the employee agreeing to:

1. Undergo appropriate treatment as determined through the EAP;
2. Discontinue use of illegal drugs or use of alcohol or prescribed drugs;
3. Complete the course of treatment prescribed, possibly including an "after-care" group, for a period up to twelve (12) months;
4. Submit to random testing, a maximum of four (4) times over a period of "after-care" treatment or for a period of up to twelve (12) months.

Employees who do not agree to the foregoing, shall be subject to discipline up to and including discharge. The employer may use the positive test as evidence of impairment.

Positive During Treatment

If an employee tests positive while in treatment (as recommended by the substance abuse professional), he/she shall be subject to discharge unless he/she agrees to a thirty (30) calendar day suspension which also shall not be subject to the grievance

procedure and to continue in treatment on the same terms as specified in this agreement, except the treatment program shall be extended by an additional twelve (12) months.

The City's agreement to allow an employee to continue in treatment after a positive test based on random testing is the quid pro quo for the union agreement to waive the right to grieve the penalty of discharge after a second positive test based on reasonable suspicion.

After Treatment

Employees who test positive for the presence of drugs or alcohol for a period of five (5) years after treatment shall be discharged, the penalty shall not be subject to the grievance procedure, and an arbitrator shall have no authority to review or modify the penalty, unless there is a problem with the drug testing procedure defined in this agreement, which shall be subject to the grievance and arbitration procedure.

Record of Discipline

Employees who do not have any further positive drug tests given for any reason included in this agreement or any related discipline for a period of five (5) years following the last positive test results, the file shall then be cleared of any and all record of suspension and/or any related information. The employee shall be returned to normal employee status and begin any procedure contained in this agreement from the beginning as all other employees covered by this agreement.

Voluntary Request for Assistance

The employer shall take no adverse employment action for alcohol or substance use against an employee who voluntarily seeks treatment through the employer's EAP Program or through one of the City's health care providers and/or referrals to other recognized or certified programs for an alcohol or drug related problem other than that the employer may place the employee on leave during treatment. The employer shall make available through its EAP program a means by which the employee may obtain referrals and treatment or when otherwise unfit for duty in their current assignment. All such requests shall be confidential. When seeking or undergoing treatment or when otherwise unfit for duty in his current assignment, an employee may, at the employer's discretion, be transferred to a position for which he is fit or shall be allowed to use: 1) accumulated sick leave; and/or 2) paid leave; and/or 3) be placed on unpaid leave pending treatment.

Employee Assistance Program (EAP)

Any employee violating this policy is subject to discipline including suspension and/or termination; however, should any employee be convicted of violating a criminal drug statute in the workplace, discipline of the employee will be termination, referral to law enforcement, and/or participation in an approved rehabilitation or drug use employee assistance program (EAP). The employee assistance program for City of St. Charles employees is Tri-City Family Services. If such help is offered and accepted, the employee must satisfactorily take part in the program to continue employment. The City believes that rehabilitation is the preferred solution to any such problem, as it both protects our investment in a trained employee and treats the employ concerned with dignity. Payment beyond the group health benefits provided by the City of St. Charles at the time of treatment is the responsibility of the employee.

Duty Assignment

If the nature of the EAP or treatment program allows the employee to continue to work during treatment, the employer may maintain the individual's previous employment status. If an employee participates in an in-patient program which precludes continued employment, the employee shall be granted a leave to do so. At the end of such leave, the employee shall be returned to his former position with no loss of seniority and accumulated benefits. An employee may use accumulated sickness or disability benefits during the period of his/her treatment leave.

Employees who voluntarily report to the supervisor that they are taking prescribed or over-the-counter medication that has adverse side effects which interfere with the ability to perform his/her normal duties may be temporarily reassigned with full pay to other duties if other duties are available. If no duty is available within the limitations, the employee shall be allowed leave as provided in this agreement.

Drug Education

Employees have the right to know about the dangers of drug use in the workplace, the City policy regarding a drug-free workplace, and what is available to help combat drug problems.

Education programs on the dangers of drug use in the workplace will be made available on a regular basis. Employees will be made aware of the several kinds of help that are available on a voluntary basis.

These include:

1. Medical insurance benefits for substance use programs;
2. Information about community resources for assessment and treatment;
3. Tri-City Family Services (Employee Assistance Program).

We have established this help as part of our commitment to the health, safety, and well-being of our employees and their families. Employees are encouraged to use it as needed.

Confidentiality of Test Results

The results of drug and alcohol tests will be disclosed to the person tested, the fire chief, the human resources director, and such other officials as may be mutually agreed to by the parties. If the employee is represented to a union and consents in writing, test results will be disclosed to the union president or designee. Test results will not be disclosed externally except where required for disciplinary purposes.

Alcohol Test Standards

Impairment due to alcohol use shall be presumed upon a confirmed breath alcohol concentration of .04 or more.

Conflict With Other Laws

This policy is in no way intended to supersede or waive any employee federal, state, local, or any other constitutional or legal rights.

Policy Acknowledgement

All employees must acknowledge in writing, through the drug policy acknowledgement form that is included in this agreement, that they have been informed of the above policy and agree to abide by it in all respects.

Rights and Responsibilities***Employee Rights***

1. The City of St. Charles will tell the employee that he/she can't bring in, make, distribute or sell, use, or even have with him/her any illegal drugs or alcohol when at work or on City premises.
2. The City of St. Charles will tell the employee what help the City has available to him/her for combating drug and alcohol problems.
3. The City of St. Charles will give the employee a written policy statement explaining the policy about drugs in the workplace.

Criminal Conviction

If an employee is convicted by a court of a substance use related criminal violation, the employee may be:

1. Disciplined up to and including termination; or
2. Offered help available to combat the involvement with drugs or alcohol in accordance with the City policy.

Employee Responsibilities

1. The employee must read the policy statement and certify that he/she has done so.
2. The employee must agree to abide by the guidelines of the City's policy.
3. The City of St. Charles can terminate an employee if he/she does not agree.
4. The employee must satisfactorily complete all the steps associated with any offered rehabilitation program.

Additional Information

If an employee has any questions or comments about this policy, please contact the human resources department.

PRESCRIPTION AND NON PRESCRIPTION DRUG USE POLICY

APP: ALL EMPLOYEES

City of St. Charles employees must report for work in the appropriate mental and physical condition to perform their job and remain in that condition the entire time on duty. The City recognizes the fitness for duty of an employee can be influenced by the proper use of a legally prescribed controlled substance. Regular prescriptions and over-the-counter drugs and medications can also affect an employee's fitness for duty.

It is every employee's responsibility to inquire of the treating physician what the side effects are of any prescribed substance, drug, or medication and how it will affect the performance of job duties. If there are side effects that will interfere with the employee's ability to safely perform their job duties, the employee shall inform his/her supervisor and Human Resources of the side effect; the substance, drug, or medication being used; and the duration of such use. If required by the City, the employee shall produce written evidence that the prescribed substance, drug, or medication has been lawfully prescribed by a physician, as well as information from the physician concerning any potential side effects, precautions, or restrictions. Failure to do any of this will result in disciplinary action up to and including termination. Employees who have a medical prescription for cannabis (marijuana) remain subject to the City's drug and alcohol policy applicable to their position and are expected to fully comply with that policy.

It is also the responsibility of an employee taking a non-prescription medication to use reasonable judgment in selecting (or seeking a doctor's assistance in selecting) a product that will not impair his/her ability to perform their job safely. For example, an employee suffering from cold or flu symptoms will be expected to select a product which is designed to minimize drowsiness, as an alternative to a similar product which lists drowsiness as one of its side effects. If no such alternative exists, the employee is responsible for notifying the supervisor and Human Resources of the non-prescription medication being used and the side effects. Failure to do so will result in disciplinary action up to and including termination.

Once an employee notifies their supervisor of the use of a prescribed or non-prescribed substance, drug, or medication that will affect the employee's ability to safely perform his/her duty, then that supervisor may coordinate with Human Resources to temporarily assign that employee to transitional duty that the employee can safely perform, provided such an opportunity exists. Upon return to full duty, a doctor's authorization to return to work will be required. If Human Resources is unable to provide an employee with transitional duty, Human Resources and the employee will then look into other options, such as utilizing available accrued time, FMLA eligibility, or an unpaid leave of absence.

TARDINESS AND ABSENTEEISM

*APP: ALL EMPLOYEES
UNLESS OTHERWISE
STIPULATED IN A
COLLECTIVE BARGAINING
AGREEMENT OR STATE
STATUTE*

An employee who will be tardy to work must notify his/her supervisor at least a 1/2 hour before his/her normal start time. Failure to give such notice of tardiness or absenteeism shall constitute grounds for disciplinary action.

Habitual Tardiness/Lateness

An employee who is late more than twice in a one-month period measured backwards from the last tardiness, or if an employee is habitually late on a continuous basis, (i.e. an employee is late three (3) times per week), shall be subject to discipline up to and including termination.

Failure to Report to Work

An employee who is absent for two (2) or more work days without notifying his/her supervisor and securing approval for the absence as soon as possible before the end of the second day of such absence is considered to have abandoned his/her job and will be terminated.

Excusable Absences

Only absences due to illness or other emergency situations will be excused. Unexcused absences shall be grounds for discipline up to and including termination.

OUTSIDE EMPLOYMENT

APP: ALL EMPLOYEES

Employees may engage in outside work or hold other jobs, subject to certain restrictions.

Restrictions

Employees' activities and conduct away from the job must not compete or conflict with or compromise the City's interest, or adversely affect job performance and the ability to fulfill all responsibilities to the City. This requirement, for example, prohibits the unauthorized use of any City tools or equipment. In addition, employees are not to solicit or conduct any outside business during paid working time.

Approval for Outside Employment

All full-time and part-time employees must request prior approval from the department director and Human Resources before any outside employment or other work activity is undertaken. An "Outside Employment Request for Authorization" form (access forms on the City iNet) is required if:

1. The employee receives a W-2 from the other employer; or
2. The employee receives a 1099 from the other employer; or
3. If he/she owns a business and completes a Schedule C for tax purposes.

Failure to secure prior approval for outside employment may be cause for disciplinary action. Human Resources will update the master list bi-annually.

1. Employees are cautioned to consider carefully the demands that additional work activity will create before requesting approval to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work emergency callbacks, overtime, or different hours. If outside work activity does cause or contribute to job-related problems, the City may rescind its approval of such employment and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems.
2. Employees must seek approval to accept outside employment, including self-employment. This request should be submitted to the employee's department director. The department director should then forward the request, once approved or disapproved, to the Director of Human Resources for signature.
3. Employees must notify Human Resources if they are no longer working for a supplemental company and must complete a new request for each subsequent job.
4. The "Outside Employment Request for Authorization" form will be distributed to all employees to update periodically. Employees who already received approval and currently have supplemental employment outside the City of St. Charles will be asked to update the authorization form every two years.

Considerations for Disapproval

Department directors will be particularly concerned about outside work requests and may disapprove those requests that:

1. May reduce the employee's efficiency in working for the City.
2. May adversely affect the City's image.
3. May interfere with the City job and responsibilities.
4. May appear to be, actually be, or have the potential for a conflict of interest.

MUNICIPAL FACILITIES USAGE

APP: ALL EMPLOYEES

City staff may only do work which is of direct benefit to the City while on City-owned property or while using City equipment, unless authorized by a supervisor or department director. For example, employees and/or their families may not wash a privately owned car at the Public Works Garage/Fire Station or repair privately owned automobiles/personal items using City equipment or facilities.

SOLICITATION AND DISTRIBUTION

APP: ALL EMPLOYEES

Employees are expected to devote their full attention to their assigned duties during work hours. Except for requests for contributions for gifts or receptions, held only during breaks or lunch periods, specifically to honor employees on their retirement, resignation from City employ, or other events of personal significance, the following rules shall be in effect:

1. Employees may not solicit for or distribute literature during work hours on behalf of any organization, charity or cause except during non-work periods such as breaks or lunch periods. The City may solicit for or distribute literature on behalf of a charity or cause.
2. Employees who wish to solicit for any organization, charity or cause may not disturb other employees when the other employees are working.
3. Employees may not distribute literature on behalf of any organization, charity or cause in working areas.
4. Employees who wish to solicit for or distribute literature on behalf of any organization, charity or cause must do so in a manner and location, which does not disturb members of the public who are transacting business with the City.
5. Non-employees of the City may not solicit or distribute literature on behalf of any organization, charity or cause on City property, which is not open to the general public.
6. Non-employees who wish to solicit or distribute literature on behalf of any organization, charity or cause on City property, which is open to the general public, must do so in a manner and location, which does not interfere with the conduct of City business.

TOBACCO USE

APP: ALL INDIVIDUALS

Smoking is prohibited in all City vehicles and inside and outside all municipal buildings. Smoking will only be allowed in designated marked areas and in an employee's personal vehicle. For purposes of this policy, smoking shall include all forms that emit a visible vapor or gas by a burning or smoldering substance, including but not limited to cigarettes, cigars, pipes, e-cigarettes, hookahs, vaporizers, or bidis.

Employees who use chew tobacco must provide a personal, sanitary receptacle for tobacco spit and use privately, out of public view.

For the health and welfare of all City employees, the City of St. Charles strongly urges all City employees not to use any type of tobacco products. To assist employees who wish to stop smoking or using tobacco products, the City provides some monetary reimbursement for treatment. This benefit is detailed in Chapter 7: Benefits.

The state of Illinois passed the “Smoke Free Illinois Act.” The law provides that, “No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance” to those places. The law further provides that, “No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State.” “No Smoking” signs must be conspicuously posted in each public place and place of employment. A conspicuous sign stating that smoking is prohibited must be posted at every entrance to a public place or place of employment. All ashtrays must be removed from these places.

The Department of Public Health, local health departments, and local law enforcement agencies are mandated to enforce this law. All fines collected under SB 500 will be allocated 50 percent to the Illinois Department of Public Health and 50 percent to the enforcing agency. Both home rule and non-home rule municipalities may regulate smoking in public places, but that regulation must be “no less restrictive than this Act.”

EMPLOYEE PERSONAL APPEARANCE

APP:ALL EMPLOYEES

Each employee’s dress, grooming, and personal hygiene shall be appropriate to the work situation and safety standards. Employees are expected, at all times, to present a professional, businesslike appearance to customers and the public. A well-groomed personal appearance is always an asset and is an important facet of an employee’s position. Neatness of dress and good grooming will not only give employees a sense of self-confidence but will also make a good impression for the public. Radical departures from personal grooming and hygiene standards are prohibited.

General Standards of Dress

The personal appearance of office employees and other employees who have any or possible contact with the public is governed by the following standards:

1. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Skirts/dresses should be moderate in length. Capris are allowed to be worn as long as they are mid-calf length or longer. Leggings are acceptable with an appropriate length tunic top and as long as the overall appearance is professional. The wearing of jeans (any color), athletic clothing, shorts, skorts, capris shorter than mid-calf length, inappropriate caps, and similar items of casual attire are not permitted, as they do not present a businesslike appearance.
2. Employees should use good judgment in choosing footwear that is clean, in presentable condition, professional, and safe for the work environment. Loafers, dress shoes, dress/professional boots, open toe and/or heel sandals are examples of acceptable footwear that is professional in appearance and in good taste. Flip-flops, sneakers,

athletic shoes/sandals, walking/hiking shoes, canvas shoes, clogs, and platform shoes that pose a safety risk are considered inappropriate for the workplace.

3. Clothing that does not cover from shoulders to thighs will not be allowed in the workplace. Sleeveless apparel items as well as those that display any manner of cleavage are prohibited. Examples include, but are not limited to, items that show bare midriffs or backs; halter tops; excessively short skirts or shorts; low cut, strapless, or sleeveless tops without a covering shirt; and visible underwear.
4. Certain employees may be required to meet special departmental dress, grooming, and/or hygiene standards depending upon the nature of their job. Employees are required to wear assigned departmental dress.
5. At its discretion, the City may allow employees to dress in jeans and casual shoes for casual day. Shorts, sweatshirts, and skorts are not appropriate for a regular work or casual day. If such determination is made, employee(s) will be notified in writing (See [Giving Friday Program, Ch. 7](#)). Employees who have meetings scheduled outside the office or with vendors or other non-City individuals on a designated casual day are expected to dress professionally. In addition, the department director may allow employees to dress in jeans for work-related reasons.
6. Apparel that displays an alcoholic beverage, illegal drug, political expression, or any derogatory statement violating the City's discrimination or harassment policy may not be worn at work.
7. Employees who receive City uniforms, reimbursement, or allowance for work clothing or shoes are expected to maintain the items in neat, clean, and good repair. They may hem pants and make repairs as needed but may not modify the items in any other manner (i.e. jeans/pants must be hemmed, shirt sleeves may not be cut off, etc.).

Non-Compliance With Appearance Standards

Any employee who does not meet the standards of this policy, as determined by his or her immediate supervisor, will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy.

UNIFORMS

*APP: NON-UNION
EMPLOYEES EXCEPT
GROUPS DETAILED
BELOW*

Non-union employees will not receive uniform or safety footwear allowances. Jeans may be worn for work-related purposes if approved by the department director. Winter coats and safety footwear are considered personal protective equipment (PPE) and will be replaced on an “as needed” basis. Any personal clothing items damaged during the performance of duties will be repaired or replaced by the City with the approval of the department director.

*APP: PD COMMAND
STAFF, CSOs, SERGEANTS,
& OFFICERS*

All Police Department command staff and community service officers may receive an annual uniform allowance accessible through a “quartermaster system.” The annual amount shall be set by the Chief of Police. Each annual amount shall coincide with the fiscal year with no roll-over of unspent funds. All police officers and sergeants shall receive a uniform allowance as provided in their collective bargaining agreement.

*APP: TEAMSTERS, IBEW,
INVENTORY CONTROL,
AND INFORMATION
SYSTEMS EMPLOYEES*

The City provides uniforms for IBEW, Teamsters, and for certain other classifications of employees in public works, inventory control, building and code enforcement, and information systems that demonstrate a need for safety and/or public identification of City association in a public or field setting. Certain designated employees in these divisions who have field-related responsibilities will receive personal protective equipment (PPE) as is required for safe and effective job performance.

Uniforms, and/or City purchased apparel are to be worn at all times during work hours and should not be worn on personal time. All clothing is to be in good condition (no tears, holes, frayed edges) to project a professional image. Employees will not modify or deface any clothing provided, including t-shirts, jeans, etc. Uniform pieces that are damaged outside of normal wear during the course of City-related employment will be replaced by the City with supervisor approval and will not be charged against the employee’s annual uniform allowance.

Administration

Uniform allowances for eligible employees within the public services, environmental services, engineering, inventory control, and building and code enforcement divisions and the Information Systems Department shall be administered by the inventory control and accounting divisions of the finance department. This will include ordering and stocking of uniform items, setting procedures for requisitioning uniform items, processing reimbursements, and tracking of uniform related expenditures.

Non-safety related uniforms are subject to taxation per the Internal Revenue Code. The finance department will be responsible for ensuring that appropriate taxes are withheld.

Uniform allowances and purchases for eligible IBEW employees shall be administered by the electric and communications division.

Uniform rental service for fleet division employees shall be administered by the fleet division manager.

The annual allowances for eligible employees are specified by the respective department directors and human resources director through the City's budgeting process and shall coincide with the fiscal year with no roll-over of unspent funds.

(See also Chapter 10, Personal Protective Equipment)

EMERGENCY CONTACT PHONE NUMBER

APP: ALL EMPLOYEES

Employees must notify Human Resources of the name and telephone number of someone to contact in an emergency. Human Resources will update the master list annually. Each supervisor will receive a copy for his/her division. Employees who need to be available for emergencies must notify his/her immediate supervisor as to where he/she can be reached.

DISCIPLINARY ACTION

*APP: ALL EMPLOYEES,
UNLESS OTHERWISE
STIPULATED IN A
COLLECTIVE BARGAINING
AGREEMENT*

It shall be the policy of the City to administer discipline fairly, reasonably, and impartially. Employees and the City are best served when discipline is administered to correct actions rather than to punish.

Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of City service. The nature and severity of the offense and the employee's prior record shall be considered.

All disciplinary actions involving suspensions with or without pay or termination require concurrence of the Director of Human Resources.

Cause for Disciplinary Action

The tenure of City employees shall be based on reasonable standards of job performance and personal and professional conduct. Failure or refusal to meet these standards shall constitute cause for disciplinary action including verbal or written reprimand, suspensions, demotions, and termination.

In any major disciplinary action, the pertinent information shall be reviewed with the employee specifying the following:

1. The cause for discipline.
2. The specific reasons supporting the cause.
3. The discipline to be imposed.
4. The effective date of the discipline.
5. The right of the employee to be heard.

Employees may be disciplined for areas detailed in the Policy on Standard of Conduct.

Investigation

It is the responsibility of each supervisor, department director, and Human Resources to thoroughly evaluate the circumstances and facts as objectively as possible.

Pre-disciplinary Conference

The Director of Human Resources or his/her designee shall provide and arrange for a pre-disciplinary conference prior to possible written warning, suspension, or termination of any employee. The hearing may be comprised of the department director, supervisors and the Director of Human Resources or designee.

Proceedings

1. An employee shall be provided, in writing, with a notice of the charge and an explanation of the circumstances. The employee shall be given an opportunity to respond to the charges.
2. The employee may have legal counsel and/or union representation present at a pre-disciplinary conference.
3. The department's explanation of the circumstances at the pre-disciplinary conference shall be sufficient to apprise the employee of the basis for the disciplinary action.
4. The employee will be notified within five (5) working days after the conference is concluded of the decision made.

Types of Disciplinary Action

Verbal Warning

This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The verbal warning should be given in private. Supervisors should inform the employee that he/she is issuing a **verbal warning**, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action. Verbal warnings must be issued within ten (10) working days after knowledge of the occurrence of the violation claimed by the supervisor.

A notation that the verbal warning was given should be made in the employee's performance documentation.

Written Reprimand

This notice will be issued in the event the employee disregards a verbal warning, or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file.

The reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline.

A copy of the written reprimand is to be given to the employee. The employee shall sign the written reprimand to acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, the supervisor, manager, or department director and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

Written reprimands shall be issued by a department director or his/her designee. The Director of Human Resources will be notified of the intent to issue a written reprimand prior to issuance to ensure legal compliance.

Suspension Without Pay

This form of discipline is administered as a result of a severe infraction of policies or for repeated violations. For minor infractions, a suspension is often given after the employee has received a written warning.

An employee will be suspended without pay when the offense is of a serious enough nature usually sufficient for termination but when circumstances related to an employee's overall performance would not warrant immediate termination. The length of suspensions should not normally exceed thirty (30) workdays. Suspensions will be scheduled by the employer. Suspensions of two (2) days or less should not be served before or after a holiday and must be served within sixty (60) days of the date of the suspension notice unless extenuating circumstances exist. Suspensions of more than two (2) days must be served within ninety (90) days of the suspension notice. The Director of Human Resources must be notified of the suspension dates before they are served.

A copy of the suspension notice is to be given to the employee. The employee shall sign the suspension notice to acknowledge receipt. A copy signed by the employee shall be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the department director or his/her designee and one other witness shall note on the suspension notice that the employee received a copy thereof and refused to sign it.

Suspensions without pay shall be issued by the department director or his/her designee and the Director of Human Resources.

Emergency Suspension With Pay

Emergency suspensions may be used in cases where it is in the best interest of the City to immediately remove the employee from the work place, or additional time is necessary to investigate a situation to determine what further disciplinary action may be justified.

Department directors or their designees, with the concurrence of the Director of Human Resources, are empowered to issue an emergency suspension.

This suspension gives the department director, supervisor, or designee the opportunity to discuss the problem with his/her supervisor to determine an appropriate course of action when the situation is serious enough for the employee to be removed from the work environment.

The maximum length of an emergency suspension with pay is five (5) days unless circumstances warrant a longer time.

Suspension with Pay

At the discretion of a department director or his/her designee, and with the input of the Director of Human Resources, an employee of the City may be suspended with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform his/her duties, and when a substantial period of time will be required to complete an investigation or legal action. Such suspension is not a disciplinary action and may not be appealed. If the charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense, and may include recovery of salary and benefits paid during the suspension. If the charges are unfounded, the

employee will be restored to duty and a letter of exoneration will be placed in the employee's official personnel file.

Termination

Immediate removal of an employee from the job pending review for termination may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the department director and with the concurrence of the Director of Human Resources. An employee may also be terminated after repeated offenses of a less serious nature if the offenses have been documented by the supervisor and appropriate behavioral changes have not resulted from previous progressive disciplinary action.

The employee shall receive his/her final check the date of his/her termination.

Termination of Introductory/Probationary Employees

Introductory/probationary employees may be terminated at any time without cause and without the right of appeal. Dismissals of introductory/probationary employees also require the concurrence of the Director of Human Resources.

Filing Disciplinary Actions in Personnel File

The original copy of any disciplinary action is to be signed by the employee and placed in the employee's personnel file with a copy given to the employee.

GRIEVANCES

*APP: ALL EMPLOYEES
UNLESS OTHERWISE
STIPULATED IN A
COLLECTIVE BARGAINING
AGREEMENT*

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of employee misunderstandings and grievances. The procedure is open to any employee who believes that the treatment he/she receives on the job is inequitable or unfair, or for any other reason needs correction. This applies to all phases of an employee's relations with the City including job operations, discipline, conduct of fellow workers, and supervision.

It is the desire of the City to adjust misunderstandings and grievances informally, and both supervisors and employees should make every effort to resolve problems as they arise. Lacking an opportunity to discuss and adjust grievances leads to employee dissatisfaction. This in turn may be reflected in job performance and adversely affect the high standards of service our city strives to provide. Therefore, good employee relations are good business.

Employees who desire to pursue a grievance must file a written grievance form within the time period provided below. Employees may obtain a grievance form from their department director or Human Resources (refer to "Formal Grievance Complaint" form). Department directors should respond to all grievances filed by employees.

Procedure For Filing a Grievance

Step 1: An employee who has a question or dispute shall first discuss it with his or her immediate supervisor within two (2) working days of the incident. Unless the grievance is presented within this time frame, it shall be deemed not to exist. The supervisor shall make a careful inquiry into the facts and circumstances of the complaint in an attempt to resolve it promptly and fairly and give his/her answer to the employee within three (3) working days of the discussion. The

supervisor shall advise Human Resources and the department director in brief, written form as to the question and departmental response. If the supervisor does not reply within this time frame, or if the employee is dissatisfied with the response of the supervisor, the employee may initiate Step 2 of the procedure.

Step 2: The question or dispute shall be put into writing and submitted to the department director within five (5) working days of the supervisor's decision in Step 1. The department director shall make a separate investigation, including discussion with both the employee and supervisor. The department director will respond to the employee in writing within five (5) working days of the receipt of the employee's grievance. A copy of the written dispute and the response will also be forwarded to Human Resources. If the department director does not respond within five (5) working days, the employee shall consider the answer to be "grievance denied." The employee may initiate Step 3 at that time.

Step 3: If the employee is dissatisfied with the department director's decision, he/she may submit a written request for a final determination by the City Administrator or his staff designee within five (5) working days of the receipt of the department director's response. The City Administrator shall review the matter in detail and give a binding written response based on the policies and procedures of the City within ten (10) working days of the receipt of the employee's grievance.