

APPENDIX B

DRUG FREE WORKPLACE POLICY

PHILOSOPHY

Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The Village must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee's efficient and safe performance of work responsibilities and/or reduces the employee's dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the Village combat this issue by implementing a zero-tolerance policy of drug use in the workplace.

DRUG FREE WORKPLACE STATEMENT

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the workplace. Controlled substance means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act. Disciplinary action, up to and including dismissal can be taken against employees for drug violations.

All employees will, as a condition of employment:

1. Agree not to manufacture, distribute, dispense, or possess controlled substances or alcohol in the workplace.
2. Notify their respective Superintendent of any arrest or conviction of any local, state or federal criminal drug statute no later than **twenty-four (24) hours** after such arrest or conviction.
3. Abide by the conditions set forth in this statement.
4. If receiving medical attention due to a job-related incident, the employee agrees to submit to drug testing.

VIOLATIONS

1. Employees are subject to discipline, including discharge for violation of the above policy.
2. Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.

3. The Village shall notify the appropriate State Agency from which grant funds were received of the employee's conviction within **ten (10) days** after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

EMPLOYEE ASSISTANCE

A referral network to assist those who may be experiencing problems with drugs and/or alcohol has been established for all Village employees.

ADDITIONAL PROVISIONS

There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee's current use of drugs prevents the individual from performing work related duties or whose continuance on active status could constitute a threat to the property and/or safety of others. The employee shall pay for all costs of rehabilitation. The employee may use accumulated paid leave, and take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Superintendent of use or abuse of drugs prior to occurrence of reasonable suspicion.

APPENDIX C

**EMPLOYEE NOTIFICATION OF PERSONNEL CODE
AND DRUG FREE WORKPLACE POLICY AND DISCLAIMER OF EMPLOYMENT**

The Employee Code of the Village is not intended to create any employment relationship with any employees that is contractual in nature. All employees are employed at the will of the Village, and employees can be terminated at will. All employment policies of the Village are subject to change without notice and/or approval of any employee. Any and all discipline and/or discharge procedures contained in this Code are illustrative in nature, and only provide examples of the manner in which employees may be disciplined or terminated. Any and all such procedures are not meant to be the sole or exclusive way in which discipline or discharge could occur.

By signing this disclaimer, the employee understands that the employment relationship between the employee and the Village is NOT contractual in nature; that employment can be terminated at the will of the Village, that all employment policies are subject to change without notice and/or approval of the employee; and that any and all discipline and/or discharge procedures contained in the Code are merely illustrative in nature, and are not meant to be the sole or exclusive manner in which discipline and/or discharge could occur.

I have been given a copy of the Village's Employee Code, originally adopted _____
_____, _____.

I understand that contained without the Employee Code is the Drug Free Workplace Policy. I have read and understood the Drug Free Workplace Policy and agree to abide by its terms and conditions.

Name _____

Date _____

This form is to be retained by the Village Clerk.

APPENDIX D

EMPLOYEE CODE: DISCIPLINE FORM

Date _____

Employee Name _____

Employee's Job Position _____

Village Department _____

Mayor _____

Type of Discipline (Check One):

- _____ Verbal Reprimand
- _____ Written Reprimand
- _____ Probation
- _____ Suspension
- _____ Dismissal

State the Section of the Employee Code violated:

Section _____ Subsection _____ Page Number _____

State any Code of Conduct violation, listing the Code of Conduct Subparagraph Number

State the facts which support the violation _____

DATE _____

Mayor

DATE _____

(Signature of Employee)

APPENDIX E

AMERICANS WITH DISABILITY ACT GRIEVANCE PROCEDURE

1. All complaints regarding access or alleged discrimination should be submitted in writing to the ADA Coordinator for resolution. A record of the complaint and action taken will be maintained. A decision by the ADA Coordinator will be rendered promptly.
2. If the complaints cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, then for building accessibility issues, the matter shall be turned over to the Village Board for consideration. For employment and public service issues, the matter will be forwarded to the Village Board for consideration.
3. If the complaint cannot be resolved to the complainant's satisfaction by the Village Board, the complaint will be reviewed and decided upon by the Mayor. The decision of the Mayor shall be considered final.
4. A record of action taken on each request or complaint shall be maintained as a part of the records or minutes at each level of the grievance process.
5. The individual's right to prompt and equitable resolution of the complaint shall not be impaired by his/her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

APPENDIX F

REQUEST FOR FAMILY OR MEDICAL LEAVE

Request for Family or Medical Leave must be made, if practical, at least **thirty (30) days** prior to the date the requested leave is to begin.

Name _____ Date _____

Department _____ Title _____

Status Full-Time Part-Time Temporary

Hire Date: _____ Length of Service _____

I request Family or Medical Leave for one or more of the following reasons:

Because of the birth of my child and in order to care for him or her*

Expected date of birth _____ Actual date of birth _____

Leave start _____ Expected return date _____

Because of the placement of a child with me for adoption or foster care**

Leave start _____ Expected return date _____

In order to care for my spouse, child, or parent who has a serious health condition*

Leave start _____ Expected return date _____

For a serious health condition that makes me unable to perform by job*

Describe: _____

Leave start _____ Expected return date _____

For other reasons. Describe: _____

Leave start _____ Expected return date _____

* A physician's certification will be required for leave due to a serious health condition.

** Certification will be required for leave due to adoption or foster care.

[] Requested intermittent leave schedule (if applicable; subject to employer's approval).

Have you taken a Family or Medical Leave in the past **twelve (12) months**? [] Yes [] No
If yes, how many workdays? _____

I understand and agree to the following provisions:

I have worked for the Village of _____ at least **one (1) year** and at least **one thousand two hundred fifty (1,250) hours** in the previous **twelve (12) months**.

If I fail to return to work after the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that would entitle me to Medical Leave or other circumstances beyond my control, I may be financially responsible for the medical insurance premiums the Village paid while I was on leave.

This leave will be unpaid, unless under the Village Policy, I would be eligible for sick leave or have accrued vacation or comp time; or in the case of my own disability, payment will occur under a disability program with IMRF, if I am so covered.

I may be required to exhaust my vacation, comp time, or sick leave as part of my **twelve (12) weeks** of leave.

After **twelve (12) weeks** of leave, if I do not return to work or contact my supervisor or manager on the date intended, it will be considered that I abandoned my job.

Employee Signature _____

Date _____

Address _____

Phone _____

LEAVE APPROVAL

For full day leave:

Mayor _____
Signature

_____ Date

For intermittent or reduced day leave:

Mayor _____
Signature

_____ Date

Notes: _____

PAYROLL INSTRUCTIONS

[] With pay from _____ to _____ Employee # _____

[] Without pay from _____ to _____

Comments: _____

PLEASE FORWARD COMPLETED REQUEST TO THE PERSONNEL DEPARTMENT FOR FURTHER PROCESSING.

APPENDIX G

REQUEST FOR SPECIAL LEAVE

Request for Special Leave must be made at least **thirty (30) days** prior to the date the requested leave is to begin.

Name _____ Date _____

Department _____ Title _____

Hire Date: _____ Length of Service _____

All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and must be approved by employee's Superintendent. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs.

I wish to request a Special Leave for the following reasons:

Employee Signature _____ Date _____

Address _____ Phone _____

LEAVE APPROVAL

Mayor _____
Signature Date

PLEASE FORWARD COMPLETED REQUEST TO THE PERSONNEL DEPARTMENT FOR FURTHER PROCESSING.

APPENDIX H

RESPONSE TO REQUEST FOR FAMILY OR MEDICAL LEAVE

Date: _____

To:

From:

On _____, you notified us of your need to take family/medical leave due to: (check one)

- _____ The birth of a child, or the placement of a child with you for adoption or foster care; or
- _____ A serious health condition that makes you unable to perform the essential functions of your job;
or
- _____ A serious health condition affecting your spouse, or immediate family, for which you are needed to provide care.

You notified us that you need this leave beginning on _____ and that you expect the leave to continue until _____. (Note: periodic leave may be available under certain circumstances)

You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12 month period for the reasons listed above. The Village of Fisher calculates that 12 month period on a calendar year basis. Therefore, you will be allowed 12 weeks unpaid leave in each calendar year after you have completed one year of service with the Village. Your health benefits will be maintained during any period of FMLA, unpaid leave under the same conditions as if you continued to work. You will be reinstated to the same and/or equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following the FMLA leave for a reason other than:

1. The continuation, recurrence, or onset of a serious health condition which would entitle you to further FMLA leave, to the maximum time allowed; or
2. Other circumstances beyond your control, you may be required to reimburse the Village of Fisher for its share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that:

1. You are _____ eligible _____ not eligible for leave under the FMLA at this time.
2. The requested leave _____ will _____ will not be counted against your annual FMLA leave entitlement.
3. You _____ will _____ will not be required to furnish medical certification of a serious health condition within 10 days. The approval of this FMLA leave may be rescinded if certification is not received.
4. During the time of your medical leave you will be required to use any accrued paid leave you have with the Village.

5. If you normally pay a portion of the premiums for your health insurance, these payments must continue during the period of FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows:

6. You _____ will _____ will not be required to present a fitness for duty certificate prior to returning to employment.
7. You _____ are _____ are not a "key employee" as described in 825.218 of the FMLA regulations. Therefore, restoration of employment may be denied following FMLA leave on the grounds that you will need to be replaced while you are on leave and returning you to that position following the leave will cause substantial and grievous injury to the Village.
8. While on leave, you _____ will _____ will not be required to furnish us with period reports every 7 days. If you are able to return to work earlier than the date indicated above, you will be required to notify us at least two work days prior to the date you intend to report to work.
9. You _____ will _____ will not be required to furnish recertification relating to a serious health condition.

Employee Signature _____

Date _____

Supervisor Signature _____

Date _____