

**MARKLUND**  
**HUMAN RESOURCES POLICY AND PROCEDURE**

**POLICY NO. 3-3-8**

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**SUBJECT: EMPLOYMENT ALCOHOL, DRUG AND CANNABIS IN THE**  
**WORKPLACE POLICY (FOR NON-DOT PURPOSES ONLY)**

**DEPARTMENTS AFFECTED: ALL**

**APPROVED BY: Ldrshp**

**ORIGINALLY ISSUED: 07-01-1996**

**REVISED: 02-17-2020 ; 05-14-2021**

**PURPOSE:** Marklund is committed to providing a productive, safe and healthy work environment. Achieving this goal is necessary to maintain the safety and quality of our work environment. Furthermore, our employees have the right to work with persons free from the effects of drugs and our residents and students have the right to have employees that are free from the effects of drugs. The use of illegal drugs, abuse and misuse of alcohol, prescription drugs and lawful products (such as cannabis), adversely affects those objectives by increasing absenteeism, lowering productivity and quality and most of all, jeopardizing the health and safety of those involved and the safety of others.

**POLICY:** Marklund recognizes that our employees' health and safety are of the utmost importance. Drug use and alcohol misuse may pose a serious threat to employee health and safety. It also jeopardizes the health and safety of non-employees, such as our residents, volunteers, etc. It is the policy of Marklund to prevent any controlled substance use or abuse from having an adverse effect on our employees. The work environment is safer and more productive without the presence of drugs or alcohol in the body while in the workplace or while on-call. Furthermore, all employees have a right to work in a drug-free environment and to work with individuals free from the effects of drugs or alcohol.

For purposes of this policy, the Marklund's "workplace" includes, but is not limited to, any Marklund building, property, and parking area under the Marklund's control (regardless of whether it is leased or owned), any location or area where an employee is performing his or her job duties or representing Marklund, or where an employee is physically located during his or her work schedule. The workplace shall also include any place the employee is located when "on call" or at any time during his or her work shift including, but not limited to, guest, visitor or resident locations, vendor or supplier locations, home offices, as well as vehicles, whether leased, rented, or owned. For purposes of this policy, "on call" means an employee who is scheduled to be on standby or could be called into work within 24 hours' notice or otherwise responsible for performing work-related tasks.

All employees are advised that remaining drug and alcohol free when performing assigned duties is a condition of continued employment with Marklund. Marklund will conduct post-offer testing of all applicants. All employees may be subject to testing where circumstances establish that reasonable suspicion of prohibited substance use or abuse exists, and following "on-the-job" accidents as described in more detail below.

Any employee who tests positive for any substance prohibited by this policy will be subject to disciplinary action up to and including immediate termination. Any employee who refuses to comply with a request to submit to testing or who fails to cooperate in the test process will be terminated. These procedures are designed not only to detect violations of this policy but also to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action, up to and including immediate termination from employment will, however, be taken as necessary.

Marklund prohibits the manufacture, distribution, dispensation, possession, concealment, use, sale or transfer of alcohol, cannabis, controlled substances or illegal drugs, and the possession and/or purchase of drug related paraphernalia in the workplace.

All employees have an obligation to comply and support this policy. Any employee who is aware of a violation of the policy should report it to Human Resources, his/her immediate supervisor or any manager. Every effort will be made to preserve the confidentiality of the source of a report. All reports will be taken seriously. Persons submitting false reports are subject to discipline up to and including immediate termination.

**PRESCRIBED MEDICATION** An employee taking over-the-counter or prescribed medication must be aware of any effect the medication may have on the performance of their duties. The employee must inform his/her physician of his/her job duties in order to make certain that the drug does not affect or interfere with the employee's safe and effective performance of his/her job duties. An employee must promptly report to the Sr. HR Generalist the use of any medication which has or may have any adverse effect on his or her ability to effectively and safely perform his or her essential job duties. All prescription and non-prescription drugs must be kept in their original packaging or container. An employee who fails to adhere to these provisions may be subject to disciplinary action, up to and including immediate discharge. Such information will be kept confidential and such employees will be reasonably accommodated to the extent required by law. Of course, consuming or possessing a prescribed drug where the prescription has expired is not lawful. Also, consuming or possessing a prescribed drug that is not one's own prescription, or abusing one's own prescription, is not lawful.

**CANNABIS (MARIJUANA)** Marklund recognizes that certain states and municipalities allow the use of cannabis and/or medicinal cannabis. Illinois' medical cannabis law permits an individual with a qualifying debilitating medical condition to register as a medical cannabis patient and avoid civil and criminal penalties under state law for certain medical uses of cannabis. Likewise, recreational cannabis law in Illinois permits an adult (21 years of age or older) to use cannabis and avoid civil and criminal penalties under state law. However, in accordance with Illinois and federal law and in order to maintain a safe, efficient and effective workforce, employees may not use cannabis in the workplace or while on-call. Marklund also prohibits employees from reporting to work under the influence of, or in any way impaired by, cannabis or alcohol; as determined in Marklund's sole discretion to the fullest extent permitted by applicable law.

Any employee having a blood alcohol content of at least .02 shall be deemed to be "under the influence" of alcohol and have tested positive for the use of alcohol in the workplace. Marklund

recognizes a presumption of impairment based on THC under the Illinois Vehicle Code and thus any employee having 10 or more nanograms of THC in his/her saliva or urine at the time of testing will be considered to be “under the influence” of THC in the workplace or while on-call. Marklund reserves the right to also rely on documented symptoms or other evidence of impairment.

**PROCEDURE:** Consistent with Marklund’s objectives and concerns we will conduct drug screening under the following circumstances:

- 1.) **Post-Offer:** After a conditional offer of employment has been made to an individual, an appointment will immediately be made for a drug screen and post-offer physical. The results of that drug screen will take 24 to 48 hours.

If the results are positive for illegal drugs the individual will be notified by Marklund’s independent Medical Review Officer, and the offer of employment will be rescinded. The applicant may reapply in 6 months and be re-screened.

**ANY APPLICANT WHO REFUSES TO CONSENT TO A TEST OR WHO FAILS TO COMPLY WITH ANY TESTING PROCEDURES OR TESTS POSITIVE FOR THE USE OF ILLEGAL DRUGS WILL NOT COMMENCE WORK FOR MARKLUND, AND THE JOB OFFER WILL BE AUTOMATICALLY RESCINDED. EMPLOYMENT IS EXPRESSLY CONDITIONED ON THE SUCCESSFUL PASSAGE OF THE POSTOFFER DRUG SCREEN.**

**In recognition of the requirements of the Americans with Disabilities Act (ADA), Marklund will not discriminate against an applicant who has successfully completed a drug or alcohol rehabilitation program. However, the ADA does not prevent Marklund from refusing to hire any applicant who tests positive for illegal drug use prior to employment.**

- 2.) **Reasonable Suspicion:** Marklund has the sole discretion to decide when and under what circumstances an employee is fit for work. Circumstances giving rise to reasonable suspicion testing include, but are not limited to:

1. When Marklund has reasonable suspicion to believe an employee’s abuse of drugs or alcohol threatens his or her own personal safety or the personal safety of other individuals;
2. Observation of an employee acting or appearing in a manner which suggests drug or alcohol use, such as, behavior, appearance, judgment, coordination, job performance and/or other conduct including, but not limited to, slurred speech, glassy eyes, unsteady walk, disorientation, significant or repeated lapses of concentration, emotional outbursts, substantial mood changes, the smell of alcohol on the employee’s breath, etc.;
3. Instances where Marklund observes or receives credible information that the employee is using or has symptoms of drugs and/or alcohol use; and/or
4. Other facts which support a reasonable belief that the employee is using or has symptoms of drugs and/or alcohol use in violation of this policy.

**If an employee is to test positive for cannabis (marijuana) during reasonable suspicion testing, the employee may be terminated immediately per this policy.**

All pertinent Marklund managers and supervisors will receive training to assist them in identifying characteristics or behavior of the use of prohibited substances. Any manager or supervisor who observes such characteristics or behavior must immediately notify Marklund's Human Resources Manager in writing of the date, particular facts observed and employee's name. Upon the Human Resources Manager's determination that reasonable suspicion exists, testing can commence. However, once the determination that reasonable suspicion exists, under no circumstances will an employee be allowed back to work until he or she has a negative drug and/or alcohol test.

**3.) Post Accident:** Anyone who suffers or is involved in a reportable accident on Marklund property and/or in the workplace must report it within two (2) hours to his or her immediate supervisor or manager, so that proper action and/or medical treatment may be provided. Failure to report any injury immediately may adversely affect an employee's benefits and rights under the law, and is grounds for disciplinary action, up to and including, immediate discharge. If Marklund has reasonable suspicion to believe an employee's use of drugs or alcohol caused, may have caused, contributed to or may have contributed to a "reportable accident" defined as one of the following: (a) The death of a human being; (b) Bodily injury to any person who, as the result of the injury, receives medical treatment --- including "first-aid"; (c) Damage to property or equipment; or (d) Any "near miss" reportable accident as determined in the reasonable but sole discretion of management, then the employee will be required to undergo a drug and alcohol test.

NOTE: In reasonable suspicion and post-accident/incident cases, Marklund shall require the employee to be escorted directly to and from the collection site for drug and/or alcohol testing. The employee will be transported to and from the collection site by a Marklund representative and/or an independent third party. Refusal to consent to testing and cooperate in testing will be considered insubordination and grounds for termination of employment.

**If an employee is to test positive for cannabis (marijuana) during post-accident testing, the employee may be terminated immediately per this policy.**

*Marklund reserves the right to interpret, revise or discontinue any provision of this policy.* However, Marklund will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, marital status, order of protection status, national origin or ancestry, citizenship status, age, disability, military status or an unfavorable discharge from military service, or any other basis protected by applicable local, state or federal law.

#### ***Ability to Contest/Grievance Procedure***

If an employee wants to contest any disciplinary action taken by Marklund under this policy, the employee must submit whatever documentation or other material or explanation to the Human Resources Department within seven (7) calendar days of the employee being informed of the disciplinary action. The Human Resources Manager will review any and all information submitted by the employee and shall make a final decision whether to uphold the decision or reverse it in a timely manner.

***Voluntary Treatment & Recovery***

Any employee who, prior to being selected for testing under this policy, voluntarily admits to any form of substance abuse will be placed on a temporary leave of absence if the employee agrees to enroll in an approved Employee Assistance Program (“EAP”) and upon completion of the EAP submit to terms of a Follow-up Testing regimen to be determined by Marklund.

**ACKNOWLEDGEMENT OF RECEIPT OF DRUG AND ALCOHOL TESTING PROGRAM AND AGREEMENT TO ABIDE BY PROGRAM**

I, \_\_\_\_\_, hereby acknowledge that I have received a copy of the Marklund’s Cannabis in the Workplace policy.

In conjunction with my receiving a copy of the policy, I further acknowledge the following:

1. I have read the policy and fully understand the terms contained therein and the consequences for violating any term of the policy.
2. I understand that my compliance with all terms of the policy is a condition of my employment with Marklund, and I agree to abide by all terms of the policy.
3. As applicable, if a post-accident drug and/or alcohol test is required under this policy and I am seriously injured and unable to provide a specimen at the time of the accident, then this Acknowledgement shall be considered my authorization for Marklund to seek information and any records or documents which would indicate whether there were any controlled substances and/or alcohol in my system.
4. I authorize the collection site, laboratory and/or medical review officer retained Marklund to perform any and all functions which those entities and/or individuals may be required to perform pursuant to this program or applicable regulations. Such authorization shall include, but is not limited to, the release of test result information to Marklund, verification of the use of prescribed medications, obtaining information from the employee’s physician, hospital, dentist or pharmacist and the reporting of negative test results with a qualifying statement in cases wherein an employee may be taking a legally prescribed drug.
5. I hereby release and hold harmless Marklund and its employees and agents from any liability whatsoever arising from the policy.
6. Marklund reserves the right to amend or modify this policy at any time.

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

\_\_\_\_\_  
Date