ADMINISTRATION
31 West Quincy Street, Westmont, Illinois 60559

Tel: 630-981-6210 Fax: 630-604-1250
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Village Board Meeting
July 13, 2023
6:00 p.m.

1. **Call To Order**
2. **Roll Call**
3. **Pledge Of Allegiance**
4. **Open Forum**
   Public Comment is subject to the public comment rules and procedures adopted by the Village.
5. **Reports**
   a. **Board Reports**
      - Mayor
      - Clerk
      - Trustees

   Background Of Subject Matter *

   Type Discussion Only
6. **Items To Be Removed From Consent Agenda**
7. **Consent Agenda (Omnibus Vote)**
   a. **Village Board Minutes**
      i. **Board Meeting Minutes**
      Board to consider approving the minutes of the Village Board meeting held June 29, 2023.

      Background Of Subject Matter Required Parliamentary Procedure.

      Type Motion

      Documents:

      2023-06-29 VILLAGE BOARD MEETING MINUTES.PDF

   b. **Finance Ordinance**
      i. **Finance Ordinance #6**
      Total to be announced at the meeting.

Background Of Subject Matter	*
Type	Motion

c. **Purchase Orders**

i. **Total Of Purchase Orders**

There are no purchase orders at this time.

Background Of Subject Matter	*
Type	Purchase Order

d. **Total Of Purchase Orders And Finance Ordinance**

To be announced at the meeting.

Background Of Subject Matter	*
Additional Background	*
Type	Motion

8. Unfinished Business

9. New Business

a. **Personnel Code Text Amendment**

Board to consider an ordinance approving a text amendment to Section 62-75 - Drug-free Workplace of the Westmont Code of Ordinances.

Background Of Subject Matter	The requested change is related to a trailer bill to the Cannabis Regulation and Tax Act regarding restriction of cannabis use for Public Safety employees.
Additional Background	A similar prohibition has been included for CDL drivers as they are regulated by federal Department of Transportation standards, and cannabis is not recognized as a lawful substance at the federal level. These updates reflect our current practice.
Recommendation	Staff recommends approval of the ordinance to amend the personnel code.
Type	Ordinance
Budgeted	N/A

Documents:

POLICY AMENDMENT ORD- SEC 62-75 - DRUG-FREE WORKPLACE 06 27 23.PDF

10. Miscellaneous

11. Executive Session

This Board may adjourn to closed session to discuss matters so permitted and may act upon such matters upon returning to open session.

12. Adjourn

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the ADA Compliance Officer, 9:00 A.M. to 5:00 P.M. Monday through Friday, Village of Westmont, Illinois, 60559; or telephone (630) 981-6210 voice, within a reasonable time before the meeting.

westmont.il.gov

Village Clerk's Office
31 West Quincy Street • Westmont, Illinois 60559
Tel: 630-981-6220 Fax: 630-829-4441

Clerk's Office

Village of Westmont

MINUTES OF THE BOARD MEETING HELD Thursday, June 29, 2023.

Mayor Gunter called the meeting to order at 6:00 P.M.

WESTMONT VILLAGE BOARD MEETING ROLL CALL:

PRESENT:	Mayor Gunter	P	Clerk Szymski	P
TRUSTEES:	Barker	P	Simonovich	A
	Brady	P	Guzzo	P
	Liddle	P	Nero	P

STAFF:

May (Village Manager)	P	**Parker** (Assistant Manager)	P	**Pollack** (Interim CD Director)	A
Brainerd (H.R. Director)	P	**McIntyre** (Communications)	P	**Liljeberg** (I.T. Manager)	A
Chief Gunther (Police Dept.)	P	**Dep Chief Thompson** (Police Dept.)	P	**Dep Chief Gruen** (Police Dept.)	A
Chief Riley (Fire Dept.)	P	**Dep Chief O'Hare** (Fire Dept.)	A	**Mielcarski** (Admin Supervisor)	A
Mulhearn (Deputy Liq Commissioner)	P	**Cunningham** (Finance Director)	A	**Ries** (Public Works Director)	P

ATTORNEY: **Zemenak** P **Carrara** A

A QUORUM WAS PRESENT TO TRANSACT BUSINESS.

PRESS:
Bugle A

CHAMBER OF COMMERCE DIRECTOR: **Forssberg** - P

THOSE PRESENT RECITED THE PLEDGE OF ALLEGIANCE.

OPEN FORUM: None

VOTING KEY: **A**=ABSENT **AB**=ABSTAIN **N**=NO **W**=Withdrawn **P**=PRESENT **Y**=YES **R**=RECUSE

Note: *The items listed in these minutes are summaries only and are not meant to be a direct transcript of the Mayor's, Manager's, Clerk's and Trustees' comments. For actual quotes of the referenced items please refer to the Archival video copy of this meeting.*

VOTING SUMMARY

	1	2	3	4	5	6	7	8	9
TRUSTEE BARKER	Y	Y	Y	Y	Y	Y	Y	Y	Y
TRUSTEE BRADY	Y	Y	Y	Y	Y	Y	Y	Y	Y
TRUSTEE GUZZO	Y	Y	Y	Y	Y	Y	Y	Y	Y
TRUSTEE LIDDLE	Y	Y	Y	Y	Y	Y	Y	Y	Y
TRUSTEE NERO	Y	Y	Y	Y	Y	Y	Y	Y	Y
TRUSTEE SIMONOVICH	A	A	A	A	A	A	A	A	A

REPORTS

Mayor Gunter

- Asked Chief Gunther to the podium to introduce two officers that will be sworn in this evening. Chief Gunther thanked the Fire and Police Commission for their hard work.
    - Officer Miranda Hartell and Jakob Eisenbeis took the oath to become police officers. The oath was administered by Mayor Gunter.
    - Officer Miranda Hartell addressed the Village Board. Thanked the members of the Westmont Police Department for accepting her as a part of their team. Thanked her family and friends for their support.
    - Officer Jakob Eisenbeis thanked everyone on the Board for giving him this opportunity to work with the Westmont Police Department. He thanked his family.
- The Park District is coordinating a summer camp program for students visiting from Taiwan. They will be in Westmont for about 3 weeks starting today. If anyone is interested in supporting this program, they can contact Bob Fleck at the Park District.
- This year, 4th of July will fall on a Tuesday. The Park District will host their annual Independence Day Celebration at Ty Warner Park. Be sure to come out and see the wonderful fireworks. The complete schedule is on the Park District website.
- On behalf of the Village Board and our Staff, we wish Kevin Carey, Superintendent of CUSD 201 an enjoyable retirement which begins on July 1st. We thank him for his hard work and leadership in guiding the growth and success of CUSD 201 and wish him the best.

Clerk Szymski

- Village offices will be closed on Tuesday, July 4th for Independence Day.

- Community Garage Sales will be August 4-6. You can sign up now via the Village website.

Trustee Nero

- The Burlington-Northern crossing at Cass Avenue will be closed on the following dates: July 8, August 26, Sept. 16. More information will be posted on the Village website.
- If residents are interested in learning more about construction projects that are happening in town, they can visit the Public Works Construction Updates webpage on the Village website.
- The 2022 Water Quality Report has been published on our Village website. This is an annual report that lists details about Westmont's safe drinking water supply and distribution.

Trustee Simonovich's report was given by Mayor Gunter

- The Police Public Safety Committee meeting will meet on July 27, 4:30pm at Village Hall.
- National Night Out: This year's event will take place at Ty Warner Park on August 1. There will be law enforcement vehicles, a bounce house, pictures with McGruff, refreshments & more.
- The first ever Special Olympics Golf Fundraiser will be held on Sept. 15th. There are still openings for golfers. If interested, please contact Sgt. Mike Weibler at 630-981-6373 for details.

Trustee Brady

- The Community Development meeting will be August 10th, 4:30pm at Village Hall.
- Final draft of the Downtown Incentive Program is scheduled for tonight's Board meeting.
- Next Planning and Zoning Commission meeting will be July 12, 2023.

Trustee Johanik-Guzzo

- The next Fire Public Safety Committee meeting will be September 7th, 4:30pm at Village Hall.
- **F**ireworks & Summer Fire Safety: An article regarding summer fire safety has been published on the website. We encourage everyone to check it out and be safe.
- See It, Report It - Do Not Hesitate - Call 9-1-1: A new Village of Westmont marketing campaign was launched this past month encouraging citizens to call 9-1-1 to report emergencies. Whether the situation be fire, medical, criminal, or otherwise, do not hesitate. Be safe and call 9-1-1.
- Reminded everyone that when you see sirens and lights, please pull to the right.

Trustee Barker

- The next Environmental Improvement Committee meeting will be August 7, 5:30pm, at Village Hall.

- Dark Sky Contest & Grant: Details for this grant program will be announced soon. The goal is to encourage residents and businesses to embrace Dark Sky strategies on their property to reduce and eliminate unnecessary light pollution.
- There will be mosquito spraying in the entire community tonight. Residents can sign-up to receive notices regarding when sprayings occur by going to www.clarkeportal.com

Trustee Liddle

- The next meeting of the Administrative / Finance Committee meeting will be July 13, 4:30 pm at Village Hall.
- Taste of Westmont: This year the Taste of Westmont is scheduled for the week after the 4th of July. The Taste will be July 13, 14, 15 & 16. The main stage headline acts include a national touring Elton John Tribute, the #1 Eagles Tribute Band in the Midwest, a Journey Tribute band, a Tom Petty Tribute, the Muddy Waters Blues Tribute, and more. Details are listed on the Westmont Special Events website at westmontevents.com.
- Taste of Westmont needs volunteers. Sign up via our website or call 630-829-9378 for more info.
- The Taste of Westmont will have local performers on the main stage this year. As we strive to support all things Westmont, we've created the "15 MINUTES OF FAME SPOTLIGHT" on our Taste of Westmont Main Stage. This year, we will feature Haley Grimm on Friday night and Connie Cipher on Saturday Night. Both of whom are Westmont residents and have been part of local events for a number of years. In fact, Haley graduated from Westmont High School, has been studying music in Nashville for the past several years. She is the daughter of Stephanie Grimm, who is a Lieutenant with our Fire Department. Be sure to see Haley on the main stage on Friday, July 14, and again on the South Stage on Saturday, July 15.
- Westmont Cruisin' Nights is in full swing and will continue through August 31. Tonight's Cruisin Nights was canceled on account of the weather and air quality. Details can be found at westmontevents.com
- Westmont Special Events was live on WGN Radio this past Sunday to promote the Westmont Cruisin' Nights on the radio program titled "ON THE ROAD WITH DANE NEAL". Dane is a big fan of our car show, and he once again named Westmont Cruisin' Nights as the best weekly summer car show in the Chicagoland area.
- A special award will be given out at the Taste of Westmont this year.

ITEMS TO BE REMOVED FROM CONSENT AGENDA: None

CONSENT AGENDA [Omnibus Vote]:
Village Manager May addressed the Board on this agenda item.

Motion by **Trustee Liddle** to approve the consent agenda.

(A) BOARD MEETING MINUTES
Board to consider approving the minutes for the meetings for the Village Board Meeting held on **June 15, 2023**.

(B) FINANCE ORDINANCE
#5: Dated June 29, 2023 in the amount of **$ 1,882,234.05**

(C) PURCHASE ORDERS

24200279	MONROE TRUCK EQUIPMENT INC.	$ 73,836.00
24200345	BAXTER & WOODMAN, INC.	60,000.00
24200351	GENERAL REFRIGERATION SERVICES, LLC	75,000.00
24200393	VILLAGE OF ADDISON	490,430.00
24200931	VILLAGE OF ADDISON	361,510.00
TOTAL OF PURCHASE ORDERS		**$ 1,060,776.00**

(D) TOTAL OF PURCHASE ORDERS & FINANCE ORDINANCE: $2,943,010.05

Seconded by **Trustee Nero** and the motion passed.

VOTE ON MOTION #1
Ayes: Barker, Brady, Guzzo, Liddle, Nero
Nays: None
Absent: Simonovich

UNFINISHED BUSINESS

NEW BUSINESS

(2) ESTABLISHMENT OF A DOWNTOWN INCENTIVE PROGRAM
Deputy Community Development Director Hennerfiend addressed the Board on this item.

Motion by **Trustee Guzzo** to consider an ordinance approving a Downtown Incentive Program (DIP) for the Village of Westmont's Central Business District.

Seconded by **Trustee Brady** and the motion passed.

VOTE ON MOTION #2
Ayes: Barker, Brady, Guzzo, Liddle, Nero
Nays: None
Absent: Simonovich

(3) DOWNTOWN INCENTIVE PROGRAM - FY2024 ANNUAL BUDGET AND ACTIVITY TARGETS

Assistant Village Manager Parker addressed the Board on this item.

Motion by **Trustee Barker** to consider an ordinance adopting the FY2024 Downtown Incentive Program (DIP) Annual Budget and Activity Targets.

Seconded by **Trustee Nero** and the motion passed.

VOTE ON MOTION #3
Ayes: Barker, Brady, Guzzo, Nero, Liddle
Nays: None
Absent: Simonovich

(4) AWARD OF BID PROPOSAL - 13-19 E BURLINGTON BUILDING DEMOLITION

Public Works Director Reis addressed the Board on this item.

Motion by **Trustee Liddle** to consider an ordinance awarding the bid proposal from Fowler Enterprises, LLC for the demolition of the buildings located at 13-19 E Burlington and 21 E Burlington and authorizing a contract consistent with the bid documents.

Seconded by **Trustee Nero** and the motion passed.

VOTE ON MOTION #4
Ayes: Barker, Brady, Guzzo, Nero, Liddle
Nays: None
Absent: Simonovich

(5) INTERGOVERNMENTAL AGREEMENT - MUTUAL AID BOX ALARM SYSTEM

Fire Chief Riley addressed the Board on this item.

Motion by **Trustee Liddle** to consider an ordinance approving a revised Intergovernmental Agreement for participation in the Mutual Aid Alarm Box System (MABAS).

Seconded by **Trustee Nero** and the motion passed.

VOTE ON MOTION #5
Ayes: Barker, Brady, Guzzo, Nero, Liddle
Nays: None
Absent: Simonovich

(6) REPEAL OF MUNICIPAL CODE, SECTION 82-101 - PRIVATE LEAD WATER SERVICE LINE REPLACEMENT

Public Works Director Reis addressed the Board on this item.

Motion by **Trustee Barker** to consider an ordinance repealing Municipal Code, section 82-101, Private lead water service line replacement.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #6
Ayes: Barker, Brady, Guzzo, Nero, Liddle
Nays: None
Absent: Simonovich

MISCELLANEOUS:

- Trustee Nero thanked Public Works Director Ries and Village Manager May for their work on a stormwater grant.

(7) REQUEST FOR EXECUTIVE SESSION - 7:09PM

Mayor Gunter requested a motion to adjourn into executive session to address the following:

- Pending Litigation for TJ Real Estate LLC vs Westmont pursuant to section 2(c)(11) of the Open Meetings Act.

- Pending Litigation for OSHA vs Westmont pursuant to section 2(c)(11) of the Open Meetings Act.

Trustee Nero made a motion to adjourn into executive session for the reasons mentioned.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #7
Ayes: Barker, Brady, Guzzo, Nero, Liddle
Nays: None
Absent: Simonovich

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(8) EXECUTIVE SESSION ADJOURNED TO RECONVENE REGULAR MEETING

Board to consider a motion to adjourn at 7:44pm.

Motion by **Trustee Liddle** to reconvene the regular meeting.

Seconded by **Trustee Barker** and the motion passed.

VOTE ON MOTION #8
Ayes: Barker, Brady, Guzzo, Liddle, Nero
Nays: None
Absent: Simonovich

(9) ADJOURNMENT - 7:45pm

Motion by **Trustee Nero** to adjourn the meeting.

Seconded by **Trustee Liddle** and the motion passed.

VOTE ON MOTION #9
Ayes: Barker, Brady, Guzzo, Liddle, Nero
Nays: None
Absent: Simonovich

MEETING ADJOURNED AT 7:45 P.M.

ATTEST: **APPROVED:**

_____ _____
Virginia Szymski, Village Clerk Ronald J. Gunter, Mayor

Dated this 13th day of July, 2023

Sec. 62-75. - Drug-free workplace.

(1) *Purpose*

The village is committed to maintaining a drug-free workplace in compliance with all applicable laws and regulations. In order to protect the public, ensure a safe work environment and provide a healthy, productive workforce, the village requires compliance with the procedures and guidelines outlined in this policy.

(2) *Definitions*

a. *Controlled substance* means any substance that is not legally obtainable, any substance that is being used in a different manner than prescribed, any substance that is legally obtainable but has not been legally obtained and/or any substance that is defined as such by any local, state or federal law, rule or regulation.

b. *On call* means when an employee is scheduled with at least 24 hours' notice to be on standby or otherwise responsible for performing work-related tasks either on the employer's premises or at another previously designated location.

c. *Reasonable suspicion* means specific and articulable facts coupled with rational inferences from those facts related to a specific individual.

d. *Standby* means ready for immediate deployment to duty.

e. *Workplace* means the employer's premises, including any building, real property and parking area under the control of the employer, or any area used by an employee while in performance of their job duties, including vehicles.

(3) *Employee Assistance Program (EAP)*

The village utilizes an ongoing drug education program which cautions employees about the dangers of controlled substances, cannabis and alcohol abuse generally and in the workplace. For employees who voluntarily seek help for drug and/or alcohol problems before becoming subject to discipline under this policy, the village will assist and support them in utilizing the Employee Assistance Program (EAP). The EAP personnel are qualified professionals who will make confidential assessments and referrals for services and treatment for controlled substance, cannabis and alcohol abuse as well as other personal problems.

(4) *Policy*

a. The village prohibits the unlawful use, consumption, manufacturing, dispensing, distribution or possession of controlled substances, cannabis or alcohol in the workplace, while on call or when performing work for the village.

b. Any employee found using, possessing, manufacturing, distributing or dispensing or being under the influence of a controlled substance, cannabis or alcoholic beverage in the workplace, while on call or when performing work for the village shall be subject to disciplinary action, up to and including termination of employment. Such disciplinary action may include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment with the village.

c. Employees are not allowed to perform their duties while taking any medication, including prescribed or over-the-counter, that may impair their ability to safely and effectively perform the functions of their job. Employees are required to notify their supervisor, department head or human resources of any medication they are taking which may have an adverse effect on their safety and/or the safety of others, so appropriate measures can be taken to ensure the safety of all impacted parties.

d. Although the Cannabis Regulation and Tax Act (CRTA) legalized cannabis for recreational adult use in Illinois effective 01/01/2020, there are certain groups of employees that are prohibited from having cannabis in their system due to the requirements of the law and/or their jobs. Those groups are as follows:

a. Employees under the age of 21, unless they have a valid medical cannabis card and are not a Public Safety employee or required to hold a commercial driver's license (CDL) as part of their job.

b. Employees that are required to possess a commercial driver's license (CDL) to perform their job. CDL's are regulated by the Department of Transportation, which means they follow federal, not state, laws; and cannabis remains illegal under federal law.

c. Employees who work in a Public Safety position (law enforcement officers, firefighters, paramedics). Public Safety employees are prohibited from consuming, possessing, selling, purchasing or delivering cannabis or cannabis-infused produces on and off duty.

(5) *Testing*

a. Post-offer

The village may require employees to submit to appropriate alcohol and/or drug testing, including, but not limited to, breath, saliva, urinalysis and/or blood testing, as part of the hiring and/or promotion process.

b. Reasonable suspicion

The village may also require testing whenever there is reasonable suspicion that the employee is under the influence of a controlled substance, cannabis or alcohol in the workplace, while on call or when performing work for the village.

Reasonable suspicion testing will be based on observations of a supervisor or other member of village management, who has received the appropriate training, in accordance with a good faith belief that an employee is impaired based on specific, articulable symptoms that lessen their ability to safely and appropriately perform their job duties. These symptoms may include, but are not limited to the following: speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating machinery or equipment, disregard for safety of self or others, involvement in an accident resulting in severe damage to equipment or property, carelessness that results in injury to the employee or others.

The supervisor and/or member of village management must observe the employee's behavior and document their observations using the Reasonable Suspicion Checklist. After completing the checklist, if the supervisor and/or member of village management

has a good faith belief that reasonable suspicion exists, they must contact the employee's manager, department head or another authorized witness, such as a sworn member of the Police Department, a department head or human resources. The witness must independently observe and document their observations using the Reasonable Suspicion Checklist.

After completing the Reasonable Suspicion Checklist, if both the initial observer and the witness believe the employee may be in violation of village policy, they will escort the employee to a private area to discuss their observations. The employee will be informed of the observations and will be given the opportunity to provide an explanation. Both the initial observer and the witness will document the conversation, including whether the employee declined to comment.

If after this conversation both the initial observer and the witness believe reasonable suspicion exists to move forward with testing, they will inform the employee that they believe a violation of village policy exists with respect to reasonable suspicion and will ask the employee to submit to a drug and/or alcohol test. They will inform the employee that a positive test result could result in disciplinary action, up to and including termination of employment, and will ask the employee to complete a Reasonable Suspicion Testing Consent Form indicating whether they agree or refuse to submit to drug and/or alcohol testing.

If the employee consents to testing, a Treatment Authorization Form must be completed; and the employee should be transported to the testing facility for specimen collection for the drug and/or alcohol testing. When the supervisor and employee arrive at the testing facility, the supervisor will provide the form to the appropriate staff member to identify the reason for and type of testing to be performed. Once the testing is completed, the employee should be instructed that they are being placed on administrative leave effective immediately pending the results of the testing. Then, the supervisor will ensure the employee has safe transportation home, which could mean taking them personally, having a friend or relative pick them up or calling a service such as a cab or Uber. The department head and human resources must be notified, so the appropriate next steps may be taken. All related documentation (Reasonable Suspicion Checklists, Reasonable Suspicion Testing Consent Form, meeting notes, etc.) should be forwarded to human resources for review and record keeping.

If the employee refuses to submit to a reasonable suspicion test, they must be informed that refusal to submit to and complete the testing may be grounds for disciplinary action, up to and including termination of employment. The employee should then be given another opportunity to consent to testing. If they refuse a second time, they should be notified that they are being placed on administrative leave effective immediately; and arrangements should be made to transport the employee home safely. The department head and human resources must be notified, so appropriate next steps may be taken. All related documentation (Reasonable Suspicion Checklists, Reasonable Suspicion Testing Consent Form, meeting notes, etc.) should be forwarded to human resources for review and record keeping.

Under no circumstances will the employee be allowed to drive themselves to the testing facility. A supervisor or member of management must transport the employee or arrange for a cab, Uber or other appropriate transportation both to the testing facility and home.

c. Post-accident

Any employee who is involved in an accident while operating a village owned, rented or leased vehicle will be subject to post-accident testing. Testing will take place immediately following the incident, when practical. If not completed immediately, the test must be taken within 24 hours following such incident. The employee shall consume no alcohol, cannabis or controlled substances subsequent to the accident and prior to the post-accident test. Failure to complete a test within the allotted times will be considered by the village as the employee having refused to submit to testing.

Post-accident testing will take place when one or more of the following conditions exist:

i. The employee has been issued a citation.

ii. The accident results in a fatality or the transport of one or more patients to a medical facility or if a person is injured, is treated but signs a refusal for transport.

iii. The accident results in one or more motor vehicles incurring disabling damage, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

iv. Immediately following an accident, the police officer, or a department supervisor notices that the employee involved in the accident demonstrates impaired movements or speech; or they have any reasonable suspicion of improper controlled substance, cannabis or alcohol use.

Under no circumstances will the employee be allowed to drive themselves to the testing facility. A supervisor or member of management must transport the employee or arrange for a cab, Uber or other appropriate transportation both to the testing facility and home.

(6) *Testing facilities*

a. Premier Occupational Health
550 E Boughton Road, Suite 140
Bolingbrook IL 60440
PH (630) 972-0733
Hours – 7am-7-5pm – Monday-Friday; 9am-2pm - Saturday

b. AdventHealth Bolingbrook – Emergency Room
500 Remington Boulevard
Bolingbrook IL 60440
PH (630) 312-5000
Hours – Between 7pm-7am Monday-Friday; 2pm Saturday – 7am Monday

c. AdventHealth (Fire Department only)
550 E Boughton Road
Bolingbrook IL 60440
PH (630) 972-0733
Hours – 7am-7pm – Monday-Friday

d. AdventHealth Bolingbrook – Emergency Room (Fire Department only)
500 Remington Boulevard
Bolingbrook IL 60440
PH (630) 312-5000
Hours – Between 7pm – 7am Monday-Friday and weekends

(7) *Results*

The results of any drug and/or alcohol testing shall be sent to the human resources director or their designee but shall remain confidential to the extent required by law.

When the lab finds an employee's results to be negative, the results are recorded as negative and will be reported back to the human resources director or their designee.

If the results of an employee's alcohol and/or drug test are positive, no immediate results or notifications are made until the medical review officer from the village's (or department's) selected occupational health provider reviews those results. The medical review officer will contact the employee in order to investigate why these results were positive. If they are prescription drugs, documentation will be requested to ensure that they were legally prescribed drugs. In some cases, retesting may be necessary but only with direction from the medical review officer.

a. Results shall be transmitted to the human resources director or their designee in writing via a confidential method.

b. When results are forwarded to the village, only a report of a positive or negative result will be sent, except for alcohol results where specifics may be revealed. These results will become part of the employee's medical record. No employee will be allowed to report for duty with a positive alcohol reading.

c. It is a violation of this policy if the alcohol level is greater than .04 as determined by the testing method used.

d. Any employee found to test positive with an alcohol concentration of .02 or greater, but less than .04, will be sent home without pay, until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test.

e. It is a violation of this policy to have a positive drug test.

(8) *Consequences*

Refusal to submit to testing or failure to pass testing shall be cause for rescinding a conditional job offer, not hiring a candidate and/or disciplinary action, up to and including termination of employment.

Employees will be paid for time spent in alcohol and/or drug testing and then placed on unpaid administrative leave pending the results. Once the results are received, a meeting

will be scheduled to discuss the results of the test and associated action based on the results. This meeting should include the employee's supervisor or department head and human resources. If the employee is subject to a collective bargaining agreement, they may also have a union representative present.

If the results are negative, the employee will receive back pay for the working days/hours missed due to being placed on administrative leave.

(9) *Employees Subject to a Collective Bargaining Agreement*
Any employee covered under a collective bargaining agreement has the right to have union representation during the reasonable suspicion and/or disciplinary discussion, if requested. In circumstances where an employee asserts this right, they will have up to one hour to obtain this representation.

(10) *Crimes involving drugs and/or alcohol*
Any employee convicted of a criminal controlled substance, cannabis or alcohol-related offense shall notify his or her supervisor within five (5) calendar days of the conviction. The village will notify any applicable contracting agency within ten (10) calendar days of receiving notice from the employee or other actual notice of the conviction. The village reserves the right to take appropriate disciplinary action for violation of this or other related village policies or procedures or applicable local, state or federal laws.

(11) *Appeal process*
If an employee would like to appeal any action taken under this policy, they may do so by submitting a written appeal, including the reason(s) the action should be overturned, to the village manager within five (5) calendar days of the action they are appealing. The village manager will provide a written response within 10 working days of receipt of the appeal.

(12) *Confidentiality*
All employees involved in reasonable suspicion testing of an employee shall keep the information confidential except where required by law. Similarly, documentation related to reasonable suspicion testing, including Reasonable Suspicion Checklists, positive test results and legitimate medical explanations provided to the medical review officer, will be kept confidential to the extent required by law.

(Ord. No. 07-156, 10-15-2007; Ord. No. 16-031, § 2, 2-18-2016)