

SOUTHERN ILLINOIS POWER COOPERATIVE

EMPLOYEE RELATIONS #7.0

Policy #7.2

SUBSTANCE ABUSE

This policy applies to all SIPC employees and has been written and put into effect to:

Provide a safe, drug-free workplace and to promote high standards of health and productivity for the Cooperative's employees; and,

Carry out the Cooperative's basic responsibility to serve the public safely, economically and without undue interruption; and,

Comply with and incorporate in this Substance Abuse Policy regulations and other drug and alcohol abuse legislation as required by the Federal Drug-Free Workplace Action of 1988 the Illinois Drug-Free Workplace Act of 1990 and the Federal and Illinois Departments of Transportation, all as amended from time-to-time.

A. Drug and Alcohol Free Workplace

The unlawful manufacture, distribution, dispensation, possession or use of alcohol or controlled substances is prohibited. Controlled substances are as defined in the Illinois Controlled Substances Act and cannabis is defined in the Cannabis Control Act, both as amended from time-to-time. Violation of this policy while on the job or on Cooperative property including Cooperative vehicles shall result in disciplinary action up to and including termination without notice.

Off-the-job use of alcohol or illegal drugs which could adversely affect an employee's job performance thereby jeopardizing the safety of other employees, the public or Cooperative equipment, or where such usage adversely affects the public trust in the ability of the Cooperative to carry out its responsibilities is also cause for disciplinary action, up to and including discharge.

Employees who are arrested for the off-the-job illegal drug-related offenses may be considered to be in violation of this Policy. In deciding what action to take, management will take into consideration the nature of the charge, the employee's present job assignment, the employee's record with the Cooperative and other factors relative to the impact of the employee's arrest upon the conduct of Cooperative business.

B. Reporting for Work.

Employees may be discharged without notice for reporting to work under the influence of alcohol or controlled substances, drunkenness, for possession of alcohol and use or sales of alcohol while on duty.

C. DRUG-FREE AWARENESS PROGRAM

The Cooperative shall annually inform employees about its substance abuse policy, the effects of controlled substance use on health, safety and work, the behavioral and physical changes that may indicate substance abuse, the availability of an employee assistance program and the penalties imposed for drug abuse violations. Supervisors shall also be informed of policies and procedures for identifying and handling suspected unlawful drug abuse, and Supervisor attendance for annual training will be required.

D. DISCIPLINARY ACTION FOR DRUG CONVICTION

Any employee convicted [as defined in the Illinois Controlled Substances Act, as amended] of a criminal drug statute violation shall notify the Cooperative Manager no later than 5 working days after such conviction. Within 30 working days after receiving notice of a conviction for such violation, the Cooperative in its discretion shall:

1. take appropriate personnel action against the employee up to and including termination; or
2. require the employee to satisfactorily participate in an approved employee assistance program.

E. EMPLOYEE NOTIFICATION AND ACKNOWLEDGMENT

Compliance with this substance abuse policy is a condition of employment and employees are expected to make a good faith effort to maintain a drug and alcohol free workplace.

Employees shall be given a copy of this policy and shall be asked to sign a statement acknowledging its receipt and evidencing their willingness to comply with it. A copy of this policy shall be posted in a prominent place in the workplace and the Cooperative shall also mail out a copy of the policy annually to each employee to remind them of the importance of the policy.

F. EMPLOYEE ASSISTANCE PROGRAM

Through an Employee Assistance Program (EAP), the Cooperative shall offer confidential assistance to employees with drug, alcohol and other problems that may adversely affect job performance or safety.

G. EAP COORDINATOR

The Cooperative Manager shall designate an EAP Coordinator who shall:

1. inform employees of EAP services, insurance coverage for treatment and medical leave policies,
2. provide assistance to self-referred employees seeking counseling or rehabilitation for drug or alcohol problems,
3. maintain a list of counseling, rehabilitation and/or treatment organizations specializing in substance and alcohol abuse programs,
4. document treatment prescribed for employees referred for treatment as a result of substance abuse tests or convictions,
5. monitor progress of referred employees during and following the rehabilitation process, and
6. maintain confidentiality of employee records and involvement in the EAP as required by applicable law and regulations.

H. LEGAL DRUGS

The use or being under the influence of legally obtained drugs on the job or Cooperative property including Cooperative vehicles is prohibited. An employee who has reason to believe that the use of a legal drug may present a safety risk to himself/herself or others or may have a significant adverse effect on his/her efficiency must report use of the drug in writing to the employee's Supervisor and Human Resources. The Cooperative may require the employee to take a leave of absence or comply with other appropriate remedies, if the medication is determined by SIPC to produce effects which could interfere with the safety and/or performance of the

employee and/or employees of the Cooperative including contract personnel.

Any employee who has reported use of a legal drug in writing and who is thereafter permitted to work or operate equipment shall not be disciplined under this policy for such use. If an employee does not report a legal drug he/she will first receive a disciplinary suspension; for the second refusal to report a legal drug the discipline will be a suspension of two [2] weeks and the third refusal to report a legal drug will result in termination of employment and seniority.

I. SEARCHES

The Cooperative may conduct searches on company property to discover drugs or alcohol. Searches may include an employee's personal property, including, but not limited to the employee's automobile, clothing, lunch box, cooler, purse, parcels, brief cases, laptop bags and similar items. Refusal to consent to a search will result in disciplinary action up to and including termination.

J. DRUG AND ALCOHOL SCREEN TESTS

1. **Random Drug Testing for Alcohol and Illegal Drugs.**
Employees will be selected randomly from the 50% pool. Employees can either be tested individually or plant employees may be tested with employees on the same shift. The names of the selected employees will not be returned to the 50% pool so that every two [2] years all employees will have been tested at least one [1] time. Employees will be returned to the 50% pool on the two (2) year anniversary of their being chosen from the 50% pool and tested.

At the same time all employees will be placed in a second pool from which up to 20% of the employees can be randomly selected for testing each six (6) months. Employees in this pool can be selected for testing at any time even if they have been recently selected from the 50% pool or from this pool.

2. **Post-Accident Testing.**
The Cooperative will require an employee to be tested after any accident on the job. If medical treatment is administered, employees will be required to take a drug screen test or alcohol screen test at or near the time medical treatment is administered.

In the event the employee is so seriously injured that he/she cannot provide a urine and/or blood specimen at the time of the accident,

the employee must provide necessary authorization for the Cooperative to obtain hospital reports or other documents that would disclose whether or not there were controlled substances or alcohol in the employee's system.

Employees who cause another individual to be injured or their actions result in property damage may be required to take a drug screen test and/or alcohol screen test. Employees are to continue to report all injuries immediately to their supervisor.

3. Just Cause Testing.

A seniority employee may be given a drug screen test and/or alcohol test when suspicion exists to believe that the employee is either impaired on the job, using a drug and/or alcohol on the job, or reports for work under the influence of a drug and/or alcohol. If necessary, the Cooperative will provide transportation to and from the testing location and will pay the cost of the drug screen test and/or alcohol test.

4. Pre-Employment and Probationary Employee Testing.

All applicants will be required to take and present a negative drug screen test and a negative alcohol test. Before a probationary period ends, an employee can be tested by drug screen test and/or tested by alcohol screen test for drugs and/or alcohol at any time and on any or no basis. Positive results on a drug screen test and/or alcohol drug screen will result in termination of employment.

K. Policy Compliance.

1. For the first positive result on any of the tests identified above, except item J.4 and as described in this paragraph for employees in rehabilitation the employee must participate in an appropriate rehabilitation program as agreed between the SIPC, the Union and the employee. Employees who choose not to participate in rehabilitation will be terminated and lose their seniority;

An employee who chooses rehabilitation and is not impaired in any way from performing the assigned job as determined by SIPC can continue working, but is required to provide negative drug and/or alcohol screen testing during the rehabilitation period. If such employee tests positive on a drug screen and/or alcohol screen test, the employee will be placed on disciplinary suspension and be required to successfully complete his/her rehabilitation. The employee[s] will pay for the tests required in this paragraph,

except those tests conducted by the Cooperative for those employees allowed to work but were in rehabilitation. SIPC will not pay any out of pocket expenses beyond the health insurance coverage already provided for approved rehabilitation.

2. Employees who return to work after meeting the above condition can be screened at any time during the following 60 month period in addition to participating in other drug screen tests and/or alcohol screen tests identified in paragraph J.
3. Any one or more of the following actions by employee[s] covered by this policy and concerning this policy will result in termination of employment and seniority:
 - a. During the entire term of employment, the second positive drug screen test and/or the second positive alcohol screen test.

Assignment to a rehabilitation program in paragraph D.2 for conviction of a criminal drug statute will be counted as a first positive drug screen test and/or alcohol screen test.

But, the first self-referral participation in the EAP/rehabilitation program in paragraphs F and G.2 will not be counted as the first positive drug screen test and/or the first positive alcohol screen test; the second self-referral participation in the EAP/rehabilitation program will be counted as either the first or second positive drug screen test and/or alcohol screen test dependent on the employee's positive test history to date of the second self-referral.

- b. A positive drug screen test result and/or a positive alcohol screen test during the 60 month work period outlined above in paragraph K.2.
- c. After assignment to participate in a rehabilitation program, and either not successfully completing that rehabilitation program, or not fully participating in that rehabilitation program.
- d. Interfering or attempting to interfere with the results of a drug screen test and/or alcohol screen test.
- e. Failure to take a drug screen test and/or an alcohol screen test.
- f. Refusing to consent to take any drug screen test and/or any alcohol screen test.

- g. Not reporting on-the-job accident(s) or employee injuries.
- h. Any violation of this Substance Abuse Policy.

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