

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**CHAMBERS STAFF
CLERK'S OFFICE
OFFICIAL COURT REPORTERS
PRETRIAL SERVICES
PROBATION OFFICE**

Controlled Substances and Workplace Drug Screening Policy

This Policy applies to all current non-law enforcement employees of the District Court, Probation Office, Pretrial Services Office, judicial law clerks and judicial assistants, court reporters, paid interns and interviewed applicants for position vacancies. Employees designated as law enforcement officers as not subject to this Policy.

§ 1 GENERAL

It is the policy of the Judiciary for workplaces to be free from the illegal use, possession, or distribution of controlled substances (as defined in the [Controlled Substances Act, 21 U.S.C. §§ 811-812](#)) by employees of the United States Courts. Due to the special nature of the work and unique mission within the Judiciary a zero-tolerance policy is in effect. The policy's primary goal is to ensure that illegal drug use is eliminated and that workplaces are safe, healthful, productive, and secure. To ensure a safe, healthful, and productive the United States District Court, Probation Office and Pretrial Services Office for the Northern District of Illinois (hereinafter referred to as the Court) have enacted the following:

(a) Illegal use, possession, or distribution of controlled substances in the workplace (as defined in the [Controlled Substances Act, 21 U.S.C. §§ 811-812](#)) by employees of the Court is prohibited.

(b) Employees of the Court may not be under the influence of illegal drugs or controlled substances while performing work duties. Violation of this policy may be a basis for disciplinary action. Examples of conduct prohibited under this policy include, but are not limited to:

- Using, possessing, buying, selling, manufacturing, distributing, dispensing or transferring illegal drugs or drug paraphernalia at work.
- Being under the influence of illegal drugs, alcohol or inhalants at work.
- Possessing or consuming alcohol at work.

- Storing illegal drugs, controlled substances, unauthorized medications, opened alcohol, drug paraphernalia, or any other prohibited item in lockers, desks, cubicles, offices, file cabinets or other areas, or in personal property (including purses, briefcases, lunchboxes, bags, etc.) or in the employee's possession at work or while otherwise involved in court business.
- Failure to adhere to drug or alcohol treatment or counseling programs required for continued employment or testing positive for alcohol or drugs under such programs.
- Conviction under any criminal drug or alcohol statute or ordinance for a violation occurring in the workplace or while conducting Court business or that is otherwise job-related.

§ 2 SPECIFIC POLICY GUIDANCE

As a condition of employment, any employee reasonably suspected of using illegal drugs or being under the influence of illegal drugs while performing work duties may be screened without violation of the Fourth Amendment.

§ 3 KEY FEATURES OF THE WORKPLACE DRUG SCREENING PROGRAM

§ 3.1 The workplace drug screening program includes reasonable suspicion testing.

§ 3.2 The program includes screening for controlled substances as defined in the [Controlled Substances Act, 21 U.S.C. §§ 811-812](#).

§ 3.3 The standard method for workplace drug screening is urinalysis, in a two-step screening-confirmation process. The specimen is screened for the drugs included in the statute above and positive test results are confirmed using the methods approved by the Department of Interior or the federal agency that has designated as the official drug screening agency for federal government employees. All screening laboratories must be Health and Human Services certified.

§ 4 REASONABLE SUSPICION SCREENING

Reasonable suspicion screening can be initiated by the hiring authority of the employee, including, Clerk of Court, Chief Pretrial Services Officer or Chief Probation Officer if a supervisor has direct observation of an employee's drug use or determines and documents a pattern of abnormal conduct, erratic behavior, or an incident occurs that may indicate drug abuse.

A written request for a reasonable suspicion screen, from a judicial officer or supervisor must be submitted to the Clerk of Court, Chief Pretrial Services or Chief Probation Officer outlining the reasons for the screening. A determination will be made as to whether there is enough evidence to warrant a reasonable suspicion drug or alcohol screening.

The Clerk of Court, Chief Pretrial Services Officer or Chief Probation Officer will advise the employee, in writing, the reason for the screening. Once advised, the employee has two business hours to report for the screening.

§ 5 POSITIVE SCREENING RESULTS

The [Guide, Vol 12, Ch. 3 § 330.40\(b\)](#) states that a zero-tolerance policy is in effect for any illegal use, possession, or distribution of controlled substances by employees of the United States Courts, and that zero tolerance calls upon the Court to take some action, up to and including dismissal, in the event an employee were to test positive for drug use.

In the event of a positive drug test the Clerk of Court, Chief Pretrial Services Office or Chief Probation Officer, in consultation with the Chief Judge, is responsible for determining the appropriate action to take.

§ 6 APPEAL POSITIVE SCREENING RESULTS

An applicant or employee may request a re-test of the original specimen that generated the positive screening results. Requests for a re-test must be made to the Human Resources Department within 72 hours of notification of the original positive screening results.

A new specimen will not be allowed for any re-testing.

§ 7 FAILURE TO COMPLY

An employee who refuses to be screened or fails to provide a urine specimen may be subject to disciplinary action, up to dismissal.

§ 8 VOLUNTARY REQUESTS FOR ASSISTANCE

Employees with drug and alcohol problems are encouraged to seek help before they become subject to discipline for violating this or other Court policies. The Court will support, assist, and accommodate employees. The Court can assist employees in a confidential manner, by providing the employee with information regarding the [Employee Assistance Program](#) or with information about other community resources for evaluation, counseling, and treatment, and helping them utilize any available employee benefits. Employees will not be disciplined by the Court because they request assistance. Employees may not, however, avoid discipline by requesting assistance after they violate the Court policies. In addition, employees who request assistance will not be excused from complying with Court policies, including its standards for employee performance and conduct.

Employees who request assistance may be subject to ongoing counseling and drug screening in order to maintain their employment with the Court.

§ 9 DEFINITIONS

Illegal drugs: All controlled substances, designer drugs, synthetic drugs, and other drugs not placed in a schedule by the federal government that are not being used or possessed under the supervision of a licensed health care professional or that are not being used in accordance with the licensed health care professional's prescription. Controlled substances for the purposes of this policy are all substances listed in schedule I-V of 21 U.S.C. § 812 and 21 C.F.R. Part 1308. Individual State Statute guidelines will not be in effect for the purposes of this policy. Marijuana is considered an illegal drug.

Under the influence: To test positive for drugs or alcohol or an employee's actions, speech, appearance or bodily odors that reasonably cause the Court to conclude that the employee is impaired because of illegal drug use or alcohol or inherent misuse.

Employee Assistance Program: A confidential counseling service provided free of charge to employees and their household members and their dependents for dealing with personal or workplace problems.

Alcohol or Substance Abuse: Improper use or misuse of alcohol, drugs, and/or controlled substances.

Court Premises/Work Areas: All buildings, structures, places, parking lots, grounds, facilities, and vehicles that are owned, leased, or managed by the Court, as well as any area, facility, or operation where any Court employee conducts Court business or performs his/her job.

§ 10 IMPLEMENTATION

This Policy will take effect no sooner than 90 days following the approval of the Full Court. The Chief Judge of the District Court will notify all employees of the implementation of the Policy.