

**CLEVELAND PUBLIC LIBRARY**

**Human Resources Committee**

September 17, 2024

**RESOLUTION TO AMEND THE HUMAN RESOURCES MANUAL**

WHEREAS, Pursuant to Section 120 of the Human Resources Manual, the Board of Library Trustees must approve all changes to the Human Resources Manual; and

WHEREAS, The Library's Human Resources Department is in the process of conducting a comprehensive review and revision to the Human Resources Manual to reflect the prevailing practices in today's workplaces; and

WHEREAS, The Library's Human Resources Department recommends that the Human Resources Manual be revised to include an updated Section 490 – Drug Free Workplace and related procedure and a revised Section 270 – Driver's Policy and related procedure. The two policies are set forth in Exhibit "A" to this Resolution; now therefore be it

RESOLVED, That the Board of Library Trustees hereby approves the proposed revisions to the Human Resources Manual as attached to this Resolution to update Sections 490 and 270 of the Human Resources Manual, with the updates becoming effective September 20, 2024 and instructs the Library's management to be responsible for implementation and execution of the provisions of these policies and their related procedures.

# Exhibit "A"

Staff Welfare and Economic Benefits - 400

Drug Free Workplace – 490

The Cleveland Public Library (CPL) strives for a drug-free workplace to assist in maintaining a safe and productive work environment. CPL has a vital interest in maintaining a safe, healthy, and efficient working environment for all of its employees and in protecting the Library's property, information, equipment, operations, and reputation. Moreover, all employees have the right to work with persons free from the effects of alcohol and/or drugs and patrons have the right to a safe, professional public library. This policy clarifies the Library's expectations for employees with respect to drug and/or alcohol use, and the potential consequences of violations of those expectations. Because of the importance of maintaining a safe and productive workplace dedicated to serving the public, substance abuse may result in discipline up to and including discharge.

This policy does not prohibit employees from the lawful use and possession of prescribed medications. However, employees must consult with their doctor about the effects their medications may have on the safe performance of their duties. Moreover, no employee will report for work; return from any break, lunch, or rest period; or perform work, while impaired because of consuming or using any controlled substance, alcohol, lawful prescription, over-the-counter medication, or other substances that may contribute to safety hazards and/or preclude safely performing duties, and/or meeting other Library performance expectations.

This policy applies to all CPL employees and applicants for employment. Applicable collective bargaining agreement language and testing parameters will govern CPL bargaining unit employees.

## **Prohibited Conduct**

Engaging in prohibited conduct will subject an employee to disciplinary action up to and including termination. Behaviors and activities that are strictly prohibited by this policy include, but are not limited to:

- Selling, distributing, transferring, delivering, purchasing, using, possessing, or being under the influence of alcohol or any prohibited drugs or illegally obtained prescription drugs while on the Library's premises or while on Library time or in or on Library vehicles or while representing the Library in any way.
- Refusing to cooperate with administration of drug/alcohol testing procedures.
- Failure by an employee to report immediately to their supervisor any duty-related limitations from prescription or over-the-counter medications they are taking. Prescription or over-the-counter medications that do not impair the employee's safety or job performance or the safety or job performance of others are not required to be reported.

- Using or being under the influence of any legal drug while on Library time or while on the Library's premises if said drug impairs the employee's job performance or adversely affects the employee's safety or safety or job performance of others.
- Failing to report a work-related vehicular accident to immediate supervisors or other designated Library personnel where such non-reporting results in a failure to comply with the post-accident testing requirements of this procedure.

### **Testing**

All drug or alcohol testing shall be conducted by the Library's third-party vendor(s). All drug or alcohol testing shall be split specimen testing, conducted in an Ohio Department of Health licensed laboratory, SAMHSA laboratory, or by an accredited alcohol or drug laboratory that meets the same criteria as those established by any applicable federal or state regulations for workplace drug testing programs.

#### Types of Tests

- Pre-Employment Testing - Applicants who receive an offer of employment will be required to undergo a pre-employment screening test.
- Reasonable Suspicion Testing - If the Library has reasonable suspicion based on objective observations reported by a manager, supervisor, employee, or patron, the employee may be subject to reasonable suspicion testing.
- Post-Accident or Injury Testing - When employees are involved in an accident in a CPL vehicle or personal vehicle while conducting Library business, an injury or accident while using tools and/or equipment, or an injury requiring medical attention (excluding use of defibrillators). The employee must report the accident to the supervisor or manager immediately. Employees may be subject to post-accident testing. The results of any test under this policy, or the employee's refusal to submit to a test under this policy, may affect the employee's eligibility for workers' compensation benefits under Chapters 4123 and 4121 of the Ohio Revised Code.

This policy applies to all employees who operate a Cleveland Public Library fleet or privately owned motor vehicle for purposes of conducting CPL business. All such employees are subject to all traffic laws of the United States, the State of Ohio and all relevant municipalities. Bargaining unit employees are also governed by applicable language in their collective bargaining agreement. Violation of the Drivers Policy may result in discipline, up to and including termination.

#### Distracted Driving Prohibited

CPL employees are prohibited from engaging in distracted driving while operating a motor vehicle to conduct CPL business. Activities barred by this prohibition include, but are not limited to, talking on a mobile phone without utilizing a hands-free device, reading or sending a text or e-mail message, eating, attending to personal hygiene, and other activities that may distract a driver from operating a motor vehicle in a safe and lawful manner. If an employee is involved in a collision/accident or is convicted or receives a traffic violation for distracted driving while driving a motor vehicle to conduct CPL business, any costs, fees, and/or fines shall be solely the responsibility of the driver.

#### Traffic Violations

If an employee is convicted or receives a traffic citation while driving a motor vehicle to conduct CPL business, any fees or fines associated with the citation shall be solely the responsibility of the driver.

#### Regular Drivers

A Regular Driver is an employee that:

- Is required by his/her Library position assignment to drive a CPL fleet vehicle;
- Requests to drive a CPL fleet vehicle; or
- Drives his/her own personal vehicle on Library business more than 24 times in a calendar year.

This includes, but is not limited to, Safety and Protective Services Officers, Drivers, Computer Networking Technicians, Painters, Maintenance Mechanics, Carpenters and Custodians.

Regular Drivers are required to inform Property Management's Occupational and Safety Officer within 72 hours of any license suspension, revocation, cancellation, lost privilege or disqualification and shall not drive in the course and scope of employment after any such license suspension, revocation, cancellation, lost privilege or disqualification. In addition, Regular Drivers are required to inform Property Management's Occupational and Safety Officer of any conviction of a moving traffic violation, a DUI, DWI, reckless operation, or a vehicular accident resulting in a death or serious injury of a person within 72 hours. Parking tickets are not moving violations and are therefore not included in this requirement.

#### Occasional Drivers

An Occasional Driver is an employee that drives his/her own personal vehicle on Library business 24 or fewer times in a calendar year. The classification of an Occasional Driver will reset each January 1. An Occasional Driver shall be required to present a copy of a valid driver's license and current proof of

insurability at the request of the Library when reimbursement is requested for Library business mileage driven in a personal vehicle.

#### CPL Fleet Vehicles

It is the policy of CPL to ensure that employees for whom driving a CPL fleet vehicle is a condition of employment (e.g. a Regular Driver) have a valid driver's license and a driving record that is acceptable to CPL. Under no circumstances shall any CPL employee having six (6) or more points on his/her motor vehicle registry record be permitted to drive a CPL fleet vehicle. Information regarding how to remove points from a driving record can be found on the Ohio Bureau of Motor Vehicles website.

#### Privately Owned Vehicles

All CPL employees driving a privately owned motor vehicle for purposes of conducting CPL must have a valid driver's license, a driving record that is acceptable to CPL and liability automobile insurance that complies with all applicable laws and regulations.

See also HR Manual 431 Fleet Vehicles and 432 Employee-Provided Transportation (Personal Vehicle and Public Transportation)