

MOUNT LAUREL FIRE DEPARTMENT	ADMINISTRATIVE POLICY		EFFECTIVE
	#04-018		6/21/05
Drug and Alcohol Screening			
REFERENCE:	01-608		
RESCINDS:			
REVISED:	Re-numbered from 02-017, 05-017	RESOLUTION:	2005-18

PURPOSE: The purpose of this guideline is to establish uniform standards for pre-employment and employment drug and alcohol testing to ensure confidentiality, reliability, and fairness in drug and alcohol testing.

STATEMENT OF PURPOSE

The Mount Laurel Fire District #1 recognizes that a healthy and productive work force, safe working conditions, free from the effects of drugs and alcohol, and maintenance of services rendered are important to employees and the general public. The Mount Laurel Fire District #1 further recognizes that the abuse of drugs and alcohol creates a variety of workplace problems such as increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased productivity, and a decline in the quality of services.

Therefore, in balancing the interests of employees and the welfare of the general public, the Mount Laurel Fire District #1 concludes that fair and accurate testing for drugs and alcohol in the workplace is in the best interest of all.

DEFINITIONS

1. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever process produced.
2. "Alcoholic Beverage" means any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one half of one per centum (1/2 of 1%) by volume.
3. "BAC" means Blood Alcohol Content.
4. "Designated Employer Representative (DER)" means Mount Laurel Fire District #1 contact person.
5. "Drug" means any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual consuming it.
6. "Employee" means any person employed by Mount Laurel Fire District #1 including staff members or persons volunteering service to the Mount Laurel Fire District #1.

7. "Illegal Drugs" mean any substance for which the possession, sale, distribution, manufacture, or use by unlicensed persons is prohibited by law, but not when used pursuant to a valid prescription or when used as otherwise authorized by law.
8. "Job Applicant" means a person who applies to become an employee or volunteer of the Mount Laurel Fire District #1.
9. "Medical Review Officer (MRO)" means the certified physician responsible for receiving urine drug screen laboratory results.
10. "Member" see the definition for "Employee".
11. "Municipality" means Mount Laurel Fire District #1.
12. "Non-Prescription Drugs" mean substances that are not legally controlled and are available without a medical prescription, but which, when improperly or inappropriately used, may hamper the ability to perform assigned duties or impair judgment, alertness, and any other physical, emotional, and mental capacities.
13. "Prescription Drugs" means controlled and non-controlled substances for which possession and use are legal when prescribed by licensed medical personnel.
14. "Prescription/Non-Prescription Misuse" means the overuse or inappropriate use of any prescription or non-prescription medication, to include the ingestion of substances prescribed specifically for another individual.
15. "Random Selection Basis" means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, (2) does not give Mount Laurel Fire District #1 discretion to waive the selection of any employee selected under the mechanism, and (3) the employee not available for work and random drug selection, shall upon his/her return to their tour of duty, be subject to testing.
16. "Reasonable Suspicion/Individualized and Articular Suspicion" means; a belief based upon objective and identifiable facts sufficient to lead a prudent member to suspect that an employee is using, in possession or control of, or is under the influence of drugs at anytime or alcohol while on duty; and such conclusion cannot be imputed to any employee merely because of his/her association with another employee who is believed to be in use, possession or control of, or under the influence of drugs at any time or alcohol while on duty. Reasonable suspicion of drug abuse or misuse is based upon behavioral and performance factors which include, but are not limited to, decrease in work performance level, willful misconduct, excessive absenteeism and tardiness, history of citizen complaints, excessive use of sick leave, negligent injuries or accidents, poor traffic safety record, and other documentable reasons.
17. "Safety-Sensitive Position" means a position, which is directly related to public health and safety, protection of life and property. Safety sensitive positions can include, but are not limited to, the operation of motor vehicles, heavy machinery, equipment or apparatus.

18. "Under the Influence" means having the presence of a drug or alcohol at or above the level of a confirmed positive test result.
19. "Split Specimen" means a portion of the original specimen collected that is sealed in a second collection container and sent to the laboratory along with the primary specimen. This second specimen will be frozen and retained by the testing laboratory.

1. ALCOHOLIC BEVERAGES

1.1 The following are prohibited regarding alcoholic beverages:

- A.** No alcoholic beverages will be brought into, possessed, or consumed on the Mount Laurel Fire District #1 premises or Mount Laurel Fire District #1 vehicles, with the exception that the alcoholic beverages would be legally possessed, transported, and locked in personal vehicles, in accordance with NJ State Laws.
- B.** In the event that an employee's excessive absenteeism or tardiness, accident or poor work is determined to be directly or indirectly related to alcohol abuse, that employee may be referred to the Employee Assistance Program (EAP) for evaluation. If the employee refuses or fails rehabilitation, he or she shall be subject to discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.

2. PRESCRIPTION DRUGS

2.1 The following are prohibited regarding prescription drugs:

- A.** No prescription drug shall be brought upon Mount Laurel Fire District #1 premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and the drug shall be used only in the manner, combination, and quantity prescribed. All prescription drugs must be retained in their original container with the prescription label intact.
- B.** In the event that an employee's excessive absenteeism or tardiness, accident or poor work is determined to be directly or indirectly related to prescription drug abuse, that employee may be referred to the Employee Assistance Program (EAP) for evaluation. If the employee refuses or fails rehabilitation, he or she shall be subject to discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.
- C.** A VIOLATION OF HIPPA – Any employee undergoing prescribed medical treatment that may affect job performance shall report it immediately before commencement of his/her tour of duty. The supervisor shall memorialize same, confidentially, for district records. A controlled substance's use as part of a prescribed medical treatment is not

grounds for disciplinary action, although it is important for Mount Laurel Fire District #1 to know the use is occurring.

3. ILLEGAL DRUGS

3.1 The following are prohibited illegal drugs:

- A.** The use of an illegal drug, controlled substances, or the possession of illegal or controlled substances at or outside the workplace is cause for discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.
- B.** The sale, trade, or delivery of illegal drugs or controlled substances or conspiracy in the sale, trade, or delivery of illegal drugs or controlled substances by an employee to another person is cause for discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.
- C.** The occasional, recreational, or off-duty use of illegal drugs will not be excused and will subject the employee to discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.

4. DRUG AND ALCOHOL TESTING

4.1 This guideline governs the administration of drug testing procedures for illegal and abusive drug and alcohol usage by all employees, staff members, volunteers, and potential job applicants for the Mount Laurel Fire District #1.

5. TYPES OF TESTING

5.1 Mount Laurel Fire District #1 is authorized to conduct the following types of drug and alcohol tests:

A. PRE-EMPLOYMENT TESTING

Mount Laurel Fire District #1 can require all job applicants and volunteers to submit to a drug and alcohol test as a condition of the employment or volunteer application and may use a refusal to submit to a test or positive confirmed test result as a basis for refusal to hire or accept an application.

B. REASONABLE SUSPICION TESTING

Mount Laurel Fire District #1 may require all current employees to submit to Reasonable Suspicion/Individualized and Articular Suspicion drug and alcohol test. A minimum of two (2) Mount Laurel Fire District #1 supervisors shall document the circumstances, which constitute a basis for determining reasonable suspicion, including, but not limited to, the following:

- a.** pattern of abnormal or erratic behavior;
- b.** direct observation of drug or alcohol use;

- c. presence of the physical symptoms of drug or alcohol use; or
- d. information provided by a reliable and credible source.

An employee who is required to undergo reasonable suspicion testing will be suspended from work without pay, if applicable, pending the result of the test. If the test is negative, the employee will be reinstated with back pay, if applicable.

C. POST-ACCIDENT TESTING/WORKPLACE INJURIES

Mount Laurel Fire District #1 may require an employee to submit to post-accident drug and alcohol testing for any incident resulting in any bodily injury and/or property damage to himself/herself or others.

D. RETURN-TO-WORK TESTING

Mount Laurel Fire District #1 may require all employees to submit to return-to-work drug and alcohol testing at the discretion of the DER. A return-to-work situation exists where:

- a. an employee has five (5) consecutive unexcused absences; or
- b. an employee has been absent from work due to enrollment in a drug or alcohol rehabilitation program.

E. RANDOM TESTING

- a. Mount Laurel Fire District #1 requires all employees to submit to drug testing on a random basis. Mount Laurel Fire District #1 will conduct random bi-annual testing for controlled substances at the rate of no more than fifty percent (50%) of its total employees. The number of tests conducted under this section for alcohol testing shall also be at the rate of no more than fifty percent (50%) of total employees.
- b. Employees will be chosen for testing via a computerized, scientifically valid random number of selection method in compliance with Federal Regulations.
- c. Members will be tested while on duty. Subsequent to the random selection method, Virtua (the testing site) will notify the DER as to which employees have been selected. The DER is then responsible for notifying the selected individual and directing them to report to the collection site.

F. POST REHABILITATION AND/OR TREATMENT TESTING

An employee who has tested positive and has successfully completed a program of rehabilitation and/or treatment will be permitted to return to work. However, the employee will be required to enter into a two year contract with the Mount Laurel Fire District #1 wherein the employee will

be required to test without notice at the discretion of the Mount Laurel Fire District #1 for the term of the contract.

6. REFUSAL

A refusal to provide a specimen will constitute possible presumption of guilt and the employee will be subject to discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.

7. PROCEDURE

In order to ensure the full reliability and accuracy of drug tests, the accurate reporting of test results, and the integrity and efficacy of drug testing programs in the Mount Laurel Fire District #1, definite specimen acquisition procedures will be exercised.

7.1 COLLECTION SITE

The designated collection site will be designated by the DER.

7.2 CHAIN OF CUSTODY FORMS

Chain of custody standardized forms shall be properly executed by authorized collection site personnel. (See Appendix A)

7.3 NO UNAUTHORIZED PERSONNEL

No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected or stored.

7.4 IDENTIFICATION

When an individual arrives at the collection site the individual shall present photo identification. All individuals regardless of the type of test must present photo identification. If the individual does not have proper photo identification or there are questions as to the validity of the identification, the collection site person shall contact the DER. If the individual's identity cannot be established, the collection site person shall not proceed with the collection.

7.5 FAILURE TO ARRIVE AT COLLECTION SITE

If the individual fails to arrive at the collection site following notification by the DER, within a reasonable time period, the collection site person shall immediately contact the DER. Lack of compliance shall result in discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.

7.6 PROCESSING OF URINE SAMPLES OR OTHER METHODS ACCEPTABLE BY THE NIDA

Urine drug samples will be processed in accordance with standards set forth by the Department of Health and Human Services and the Department of Transportation.

8. LABORATORY REQUIREMENTS

- 8.1** Laboratory Accreditation: All laboratories used to perform urine testing or other methods of testing must be accredited by the National Institute on Drug Abuse (NIDA).

9. ALCOHOL AND LABORATORY TESTING METHODOLOGY

- 9.1** All testing will be performed using the drug test cut-off levels established by the U.S. Department of Health and Human Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (53FR 11970) and all appendices, supplements and amendments thereto.

- A.** Urine Testing: All urine specimens are analyzed for the following drugs:

- a.** Marijuana (THC metabolite)
- b.** Cocaine
- c.** Amphetamines
- d.** Opiates
- e.** Phencyclidine.

- B.** Breath Alcohol Testing: The analysis of alcohol content will be determined by a breathe analysis test. If the initial test is anything other than .00%BAC a confirmatory test will be performed. If a breath analysis test indicates a reading of 0.01%BAC or greater but less than 0.04%BAC, the employee shall not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following the administration of the alcohol test. No other action may be taken against the employee based solely upon a test result showing an alcohol concentration of less than 0.04%BAC. If a breath analysis test indicates a reading of 0.04%BAC or greater, the test will be construed as a positive and the employee will be subject to discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline. Prescription and Non-Prescription Medications: If an employee is taking a prescription or non-prescription medication in the appropriate described manner, he/she will not be disciplined. Medications prescribed for another individual, not the employee, shall be considered to be illegally used and subject the employee to discipline in accordance with the Mount Laurel Fire Department Disciplinary Guideline.

10. TEST RESULTS

- 10.1** The designated laboratory shall report test results to the Mount Laurel Fire District #1's Medical Review Officer within an average of five (5) working days after receipt of the specimen by the laboratory. The Medical Review Officer may not disclose quantitative test results to the DER but shall report only whether the test was positive or negative.

The laboratory may transmit results to the Medical Review Officer by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be

provided verbally by telephone. The laboratory must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.

Prior to reporting a positive test result to the DER, the MRO shall review and verify the confirmed laboratory positive. The Medical Review Officer shall also tell the employee that he or she has 72 hours to request to have the results confirmed at another NIDA certified laboratory using the split sample that will be available. The employee is responsible for the pre-paying cost of the retest.

11. CONSEQUENCES OF A NEGATIVE DILUTE RESULT

11.1 If the laboratory reports a negative specimen as dilute the employee will be required to retest. If the second test results in a negative dilute the result will be accepted as negative. However, for all additional testing the DER or his designated representative will observe the test being administered.

12. CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

12.1 Upon receipt of a verified or confirmed positive drug or alcohol test result a second test will be authorized at the employee's expense. If both tests indicate a violation of Mount Laurel Fire District #1's written guideline, Mount Laurel Fire District #1 may use that test result as the basis for the following actions:

- A.** The employee shall be subject to disciplinary action.
- B.** The employee shall be immediately relieved of duty, with written notice, in accordance with New Jersey Administrative Code Provision N.J.A.C. 4A:2-2.5. Thereafter, the employee shall be directed by the DER to obtain approved treatment and/or rehabilitation under the coordination of Mount Laurel Fire District #1's Employee Assistance Program (EAP). The EAP coordinator will provide the DER with recommendation as to the course of treatment and/or rehabilitation.
- C.** The employee's lack of cooperation in addressing rehabilitation and/or treatment with Mount Laurel Fire District #1 Officials, EAP program personnel and health care professionals shall result in immediate termination.
- D.** The employee will be permitted to return to work upon verification of rehabilitation and/or treatment by the DER and the employee successfully completing a drug and/or screen. Any subsequent positive drug and/or alcohol test shall result in termination.
- E.** In addition to the above rehabilitation and/or treatment, the employee shall be required to enter a contract with the Mount Laurel Fire District #1 which includes supervision by the EAP program and drug testing without prior notice for a period of two (2) years. The term of the contract shall commence on the date the employee returns to work. Employees who violate the terms of the contract shall be terminated.

13. GENERAL PROVISIONS

- 13.1** Any employee who desires assistance in dealing with an alcohol or drug dependency problem may seek help, voluntarily, in confidence, by contacting the Employee Assistance Program (EAP). These individuals must be capable of performing their assigned duties and must cease all involvement with alcohol and drugs that will impact their job with the Mount Laurel Fire District #1.
- 13.2** All information obtained in the course of testing, rehabilitation and treatment of employees with alcohol and drug abuse problems shall be protected as confidential medical information and shall be kept separate from the employee's official personnel file. Only those who have a need to know shall be given access to this information.

MOUNT LAUREL FIRE DEPARTMENT

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RESOLUTION 2005-18

FORMAL ADOPTION OF ADMINISTRATIVE POLICY
#05-002 dated 06/21/05
(DRUG & ALCOHOL SCREENING POLICY)

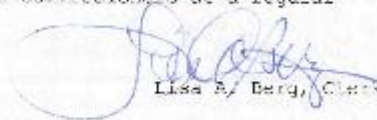
WHEREAS, Administrative Policy #05-002 (Drug & Alcohol Screening Policy) has been signed and approved by the Board; and

WHEREAS, this Guideline is a written policy that is applicable to and shall be followed by all members of the Department and the Board as it pertains to the operation of the Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Board of Fire Commissioners of the Mount Laurel Fire District #1, Township of Mount Laurel, Burlington County, New Jersey that it hereby formally adopts this Guideline for use by the Fire District.

CERTIFICATION

I, Lisa A. Berg, Clerk of the Mount Laurel Board of Fire Commissioners, Fire District #1, Mount Laurel, New Jersey, do hereby certify that this is a true copy of a Resolution adopted by the Board of Fire Commissioners at a regular meeting held on June 21, 2005.



Lisa A. Berg, Clerk