

DRUG AND ALCOHOL SCREENING

STATEMENT OF PURPOSE

The purpose of these guidelines 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.

The City of Camden 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 City of Camden further recognizes that the abuse of drugs and alcohol not only creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Certain drug and alcohol testing procedures are necessary to protect persons participating in workplace drug and alcohol testing programs.

Therefore, in balancing the interests of employees and the welfare of the general public, the City of Camden concludes that fair and accurate testing for drugs and alcohol in the workplace is in the best interest of all.

DEFINITIONS

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever process produced.

"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.

"Designated Employer Representative (DER)" means the City's Risk Manager.

"Drug" means any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

"Employee" means a person, independent contractor or person hired by an independent contractor who performs services for the municipality.

"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.

"Job Applicant" means a person, independent contractor or person hired by an independent contractor who applies to become an employee of the municipality.

"Medical Review Officer (MRO)" means the certified physician responsible for receiving laboratory results.

"Municipality" means the City of Camden.

"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.

"Prescription Drugs" means controlled and non-controlled substances for which possession and use are legal when prescribed by licensed medical personnel.

"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.

"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 and (2) does not give the city discretion to waive the selection of any employee selected under the mechanism.

"Reasonable Suspicion" means an articulable belief based on specific objective facts and reasonable inferences drawn from those facts. 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.

"Safety-Sensitive Position" means a position, which is directly related to public health and safety, protection of life and property, law enforcement or municipal security. Safety sensitive positions can include, but are not limited to, the operation of motor vehicles, heavy machinery, equipment or apparatus.

"Under the Influence" means having the presence of a drug or alcohol at or above the level of a positive test result.

ALCOHOLIC BEVERAGES

The following are prohibited regarding alcoholic beverages:

a. No alcoholic beverages will be brought into, possessed, or consumed on the City's premises, City property or City vehicles.

b. Any employee whose alcohol abuse results in excessive absenteeism or tardiness, or is the cause of accidents or poor work, may be referred to the Employee Assistance Program (EAP) for rehabilitation. If the employee refuses or fails rehabilitation, he or she shall be subject to discipline up to and including termination.

PRESCRIPTION DRUGS

The following are prohibited regarding prescription drugs:

a. No prescription drug shall be brought upon the City's 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.

b. Any employee whose prescription drug abuse results in excessive absenteeism or tardiness, or is the cause of accidents or poor work, may be referred to the Employee Assistance Program (EAP) for rehabilitation. If the employee refuses or fails rehabilitation, he or she shall be subject to discipline up to and including termination.

c. Any employee undergoing prescribed medical treatment with a controlled substance that may affect job performance shall report this treatment to his or her supervisor, including providing the supervisor with a list of medications. A controlled substance's use as part of a prescribed medical treatment is not grounds for disciplinary action, although it is important for the City to know the use is occurring. It may, however, be necessary to change an employee's job assignment while the employee is undergoing treatment.

ILLEGAL DRUGS

The following are prohibited illegal drugs:

- a. The use of an illegal drug, controlled substance, or the possession of one at or outside the workplace is cause for discipline up to and including termination.
- 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 up to and including termination.
- c. The occasional, recreational, or off-duty use of illegal drugs will not be excused and will subject the employee to discipline up to and including termination.

DRUG AND ALCOHOL TESTING

This policy governs the administration of drug testing procedures for illegal and abusive drug and alcohol usage by employees of and job applicants for the following safety sensitive positions in the City of Camden:

- a. All non-uniformed safety sensitive personnel working in or assigned to the Police Department;
- b. Fire Personnel;
- c. Public Works Safety-sensitive Personnel;
- d. Utilities Safety-sensitive Personnel;
- e. School Crossing Guards;
- f. Public Safety Telecommunicators and Public Safety Telecommunicator Trainees;
- g. Health & Human Services Safety-sensitive Personnel;
- h. Development & Planning Safety-sensitive Personnel;

- i. All Municipal Court employees;
- j. Any and all positions which are directly related to public health and safety, protection of life and property, law enforcement or municipal security; and
- k. Any and all positions involving the operation of motor vehicles, heavy machinery, equipment or apparatus.

This policy shall not apply to the City of Camden Arson Investigation Unit, which is established pursuant to N.J.S.A. 40A:14-7.1, et seq. Rather, the members of said Arson Investigation Unit shall be subject to the terms and regulations established under the City of Camden Law Enforcement Drug and Alcohol Screening Guidelines. In the event a member of the Arson Investigation Unit tests positive for drug and/or alcohol usage in violation of the City's Law Enforcement Drug and Alcohol Screening Guidelines, he or she shall be permanently stripped of his or her law enforcement authority, and shall immediately be subject to the policy herein.

TYPES OF TESTING

The City of Camden is authorized to conduct the following types of drug and alcohol tests:

1. PRE-EMPLOYMENT TESTING

The City can require all job applicants to submit to a drug and alcohol test as a condition of the employment application and may use a refusal to submit to a test or positive confirmed test result as a basis for refusal to hire.

2. REASONABLE SUSPICION TESTING

The City may require all employees to submit to Reasonable Suspicion drug and alcohol testing. A minimum of two (2) City 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 pending the result of the test. If the test is negative, the employee will be reinstated with back pay.

3. POST-ACCIDENT TESTING

The City may require all employees of safety-sensitive positions to submit to post-accident drug and alcohol testing for any accident resulting in bodily injury or resulting in property damage estimated by the DER to be \$1,000 or more.

4. RETURN-TO-WORK TESTING

The City may require all employees of safety-sensitive positions to submit to return-to-work drug and alcohol testing at the discretion of the DER. A return-to-work situation exists where:

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

5. RANDOM TESTING

a. The City may require employees of safety-sensitive positions to submit to drug testing on a random basis when the nature of the position would create a health risk to the

employee or fellow employees or to the public, or a security risk in the workplace, should the employee be affected by the use of drugs. The City will conduct, every twelve (12) months, random testing for controlled substances at the rate of fifty percent (50%) of its total employees in safety- sensitive positions. The number of tests conducted under this section for alcohol testing shall be at the rate of fifty percent (50%) of its total employees in safety-sensitive positions.

Note: According to federal law, employees that possess a Commercial Driver's License (CDL) as a condition of employment will be selected from a separate pool according to the same percentages set forth above.

6. 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 City of Camden wherein the employee will be required to test without notice at the discretion of the City of Camden for the term of the contract.

REFUSAL

A refusal to provide a specimen will constitute a presumption of guilt and the employee will be subject to termination.

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 City of Camden, definite specimen acquisition procedures will be exercised.

1. COLLECTION SITE

The designated collection site will be at Virtua at Work, located at 1000 Mt. Ephraim & Atlantic Avenue, Camden, New Jersey, or on such other sites that may be designated by the DER.

2. CHAIN OF CUSTODY FORMS

Chain of custody standardized forms shall be properly executed by authorized collection site personnel.

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.

4. IDENTIFICATION

With the exception of pre-employment or return to work testing, all individuals to be tested pursuant to this policy shall be escorted to the collection site by designated City personnel. 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.

5. FAILURE TO ARRIVE AT COLLECTION SITE

If the individual fails to arrive at the assigned time, the collection site person shall contact the DER to obtain guidance on the action to be taken.

6. PROCESSING OF URINE SAMPLES

Urine samples will be processed in accordance with accepted chain of custody procedures.

7. SPECIMEN MAY BE COLLECTED UNDER DIRECT OBSERVATION

The DER shall review and concur in advance with the decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based on a reason to believe that the individual may alter or substitute the specimen to be provided.

LABORATORY REQUIREMENTS

Laboratory Accreditation: All laboratories used to perform urine testing must be accredited by the National Institute on Drug Abuse (NIDA).

LABORATORY TESTING METHODOLOGY

All testing will be performed using the drug test drug cut-off levels (positive or negative decision points) 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.

1. Urine Testing: All urine specimens are analyzed for the following drugs: (a) Amphetamines; (b) Barbituates; (c) Benzodiazepine; (d) Marijuana, (e) Cocaine; (f) Fentanyl; (g) Meperidine; (h) Methadone; (i) Nalburphine; (j) Opiates; (k) Oxycodone; (l) PCP; (m) Pentazocine; (n) Propoxphene; (o) Ecstasy.

2. Breath Alcohol Testing: The analysis of alcohol content will be determined by a breath analysis test. If the initial test is anything other than .00% a confirmatory test will be performed. If a breath analysis test indicates a reading of less than .02%, there shall

be not further testing. If a breath analysis test indicates a reading of 0.02% or greater but less than 0.04%, 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 %. If a breath analysis test indicates a reading of 0.04% or greater, the test will be construed as a positive.

3. 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 up to and including termination.

TEST RESULTS

The designated laboratory shall report test results to the City'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 the option to have the results confirmed at another NIDA certified laboratory. The employee is responsible for the cost of the retest.

CONSEQUENCES OF A NEGATIVE DILUTE RESULT

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.

CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of the City's written policy, the City may use that test result as the basis for the following actions:

1. The employee shall be subject to disciplinary action.
2. The employee shall be immediately relieved of duty 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 the City's Employee Assistance Program (EAP). The EAP coordinator will provide the DER with recommendation as to the course of treatment and/or rehabilitation.
2. The employee's lack of cooperation in addressing rehabilitation and/or treatment with City Officials, EAP program personnel and health care professionals shall result in termination.

3. 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.

4. In addition to the above rehabilitation and/or treatment, the employee shall be required to enter a contract with the City 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.

GENERAL PROVISIONS

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 City.

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. The importance of this confidentiality to the City and its employees cannot be overemphasized.