## MODEL DRUG AND ALCOHOL TESTING POLICY

**NEW JERSEY NON-DOT**

***As of 1/1/2019***



**\*\*\*Entity Name\*\*\***

\*\*\*Entity Address\*\*\*

\*\*\*Entity City/State/Zip\*\*\*

Phone: \*\*\*Entity Phone\*\*\*

Fax: \*\*\*Entity Fax\*\*\*

Under the New Jersey Drug Testing in the Workplace Acts

& the \*\*\*Entity Type\*\*\* Policy

## DRUG AND ALCOHOL TESTING POLICY

**NEW JERSEY NON-DOT**

Effective Date: \*\*\*Effective Date\*\*\*

Designated Employer Representative (DER): \*\*\*DER\*\*\*

Alternate DER: \*\*\*Alternate DER\*\*\*

MRO: \*\*\*MRO Name\*\*\*

 Contents: [New Jersey Drug-Free Workplace Policy](#handout)

  [Drug Education Information](#drug)

 [Substance Abuse Professionals](#SAP)

 [Employee Assistance Program](#eap)

 [Notice to all Employees and Applicants](#notice)

**Instructions for program implementation**

**When introducing your new Drug-Free Workplace Policy, introduce the \*\*\*Entity Type\*\*\* EAP Program, if any, and distribute the following pages to all current employees. Request that employees sign-off on the Active Employee Certificate of Agreement, Receipt of Employee Policy Consent Form which will then be maintained in their personnel file.**

**New Jersey Non-DOT Public Entity**

**Disclaimer: The information contained in the specimen Drug and Alcohol Testing Policy is not, nor is it intended to be, legal advice, but rather is educational. The application and impact of policies and regulations can vary widely based on the specific facts involved. Your Public Entity should consult with an attorney for individual advice regarding your own situation and the customization of this specimen Drug and Alcohol Testing Policy. *(This disclaimer should be removed once policy is finalized, and prior to distributing to employees.)***

***These sample policies and procedures are not intended to be all-encompassing and are believed to conform to current law and practice at the time of preparation. However, municipalities and authorities are cautioned to seek legal advice from a qualified employment attorney before adopting any employment policies and procedures. Please make sure and ask your attorney to check any current collective bargaining agreements that are in effect as well to make certain that none of the provisions in the “model” policy conflict with any collective bargaining agreements.***

***Sworn police officers are legally required to follow the directives, guidelines, rules and regulations issued from the State of New Jersey Attorney General. Please make certain you consult with your attorney prior to including any provisions that apply to police officers.***

**\*\*\*Entity Name\*\*\***

**Drug and Alcohol Testing Policy**

**New Jersey Non-DOT**

**Your Role and Responsibilities**

**DRUG-FREE WORKPLACE**

The \*\*\*Entity Name\*\*\* (the \*\*\*Entity Type\*\*\*) is committed to maintaining a safe, pleasant, and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This is considered a Health & Safety Policy of the \*\*\*Entity type\*\*\*. This Policy highlights the \*\*\*Entity Type\*\*\*’s New Jersey Drug-Free Workplace Policy. The \*\*\*Entity Type\*\*\*’s Designated Employer Representative (DER) is \*\*\*DER\*\*\*. The Alternative DER is \*\*\*Alternate DER\*\*\*.

The \*\*\*Entity Type\*\*\* recognizes the prime importance to the \*\*\*Entity Type\*\*\* of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the \*\*\*Entity Type\*\*\* has no intention of intruding into the private lives of its employees, the \*\*\*Entity Type\*\*\* does expect employees to report to work unimpaired able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Co-workers may feel that they have to cover up, or work harder because of someone’s substance abuse. Ultimately an employee with an alcohol or drugs problem may lose their job and/or suffer devastating effects on their health*.* The \*\*\*Entity Type\*\*\* has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who are working under the influence, and employees who know that a fellow employee is working under the influence, owe such a duty. The failure to honour that duty by taking the right steps to prevent this risk can result in legal liability. All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol or drugs when carrying out work for the \*\*\*Entity Type\*\*\*. Managers and supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol or drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

To the extent this Policy supplements, and does not conflict with current collective bargaining agreements, it is applicable. However, to the extent this policy may conflict with a current collective bargaining agreement (CBA), the CBA shall prevail.

All testing information is considered confidential information by the \*\*\*Entity Type\*\*\* and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the \*\*\*Entity Type\*\*\* with a job related need to know, the DER and Alternate DER, to defend against any administrative action brought by the employee against the \*\*\*Entity Type\*\*\*, in grievance or arbitration proceeding under the terms of a collective bargaining agreement, in a court of law under subpoena, as released by the employee in writing, the MRO, \*\*\*Entity Type\*\*\* insurers, rehabilitation programs and as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to our Employee Assistance Program (EAP) Substance Abuse Professional (SAP) for a confidential evaluation and referral for substance abuse treatment if necessary. Notice of the \*\*\*Entity Type\*\*\*’s New Jersey Drug-Free Workplace testing will be provided on vacancy announcement and is posted in conspicuous locations on \*\*\*Entity Type\*\*\* premises.

Our program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, the \*\*\*Entity Type\*\*\* safer, and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your hire or continued employment, except to the extent this policy may conflict with a current collective bargaining agreement (CBA), which CBA shall prevail. The \*\*\*Entity Type\*\*\* has developed its drug-free workplace policy in compliance with New Jersey Laws, *and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities.* Applicant testing will begin immediately and sixty (60) days after the effective date of \*\*\*Effective Date\*\*\*, all employees are subject to testing as outlined below. The existing drug and alcohol testing program will remain in place until the effective date of this program.

**WHO DO WE TEST?**

All employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed, and all other employees where reasonable suspicion exists. All DOT regulated employees are also subject to testing under this policy. Using the criteria below, the following positions have been classified by the \*\*\*Entity Type\*\*\* as safety-sensitive: *\*\*\*attached list of job classifications\*\*\*.* Elected officials who are not otherwise classified as employees are not subject to testing under this Policy.

**SAFETY-SENSITIVE CLASSIFICATIONS**

Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery, sharp objects, working at heights, positions requiring a high level of cognitive function, mostly unsupervised responsibility for children, and handling of hazardous substances in an environment where others could be injured. Positions which have been found to be safety-sensitive include firefighters, emergency medical technicians, law enforcement officials who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, forklift operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and those involved in security functions. All Department of Transportation (DOT) regulated employees are determined to be safety-sensitive by those regulations. Unless an employee comes under drug testing regulations of some federal agency, each position, job classification or department, should be individually evaluated to determine whether the employee is safety-sensitive in accordance with the above guidelines. (Attach safety-sensitive job classifications on separate sheet if necessary.)

**HOW DO WE TEST?**

Drug and alcohol testing is done through chemical analysis which determines without question if a person has drugs or alcohol in his or her system and in conformity with regulations of the New York Department of Health, New Jersey Department of Health, or CLIA. Specimens subject to testing include urine, breath, hair, oral fluids, or blood. Specimen collections, chain of custody and drug and alcohol tests will be in substantial compliance with the U.S. Department of Transportation (DOT) procedures if applicable to the type of specimen being tested. To ensure accuracy, urine lab test procedures shall include a preliminary drug screening, two highly sophisticated scientific tests including adulterant detection, and are reported to an independent certified Medical Review Officer prior to being released to the \*\*\*Entity Type\*\*\*. Observed urine collections will only be conducted with the consent of the donor, and the observer will be by a person whose gender matches the donor's gender as identified by the donor at the beginning of the observed collection. Observed collections will be conducted in a professional manner that minimizes discomfort to the donor, and a medical professional may serve as the monitor, regardless of gender. The Medical Review Officer may recommend the collection of an alternate specimen (e.g., oral fluid) when a donor is unable to provide a sufficient amount of urine specimen at the collection site. The MRO will verify that chain of custody procedures were adhered to, use of a certified laboratory and that the test results were valid. The \*\*\*Entity Type\*\*\* provides reasonable accommodations to employees and/or applicants in the alcohol and drug testing program whose physical condition prevents them from producing a urine specimen suitable for testing. You may contact the DER if you wish to make an accommodation request. In accordance with \*\*\*Entity Type\*\*\* policy, a test result reported by the laboratory as a negative dilute urine test is not considered a negative test but subjects the donor to immediate retesting; and a second negative dilute urine test will render an applicant ineligible for hire and current employees, where a negative test is required, not currently fit for duty. FDA approved on-site screening devices may be utilized with all initial positive results confirmed by laboratory testing.

All positive initial tests are confirmed by GC/MS at established DOT cut off levels. An Alcohol content of 0.04 or higher using a DOT approved alcohol screening device, or breath alcohol device, is classified as a positive test. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opioids, designer drugs, or a metabolite of any of the above substances and mind altering synthetic narcotics or designer drugs, or impairing effect medications or substances, taken by employees working in a safety-sensitive classified position, in order for the employer to fulfill its duty to provide a safe place to work as a safety rule. The term “illegal use of drugs” includes any controlled or scheduled drug not used in accordance with a health care provider’s lawful prescription for the user, or any substances banned by Federal or applicable State laws.

**WHAT IF YOU TEST POSITIVE?**

The Medical Review Officer will contact you confidentially to give you an opportunity to discuss your results before reporting them to the \*\*\*Entity Type\*\*\* as a verified positive. You may discuss the result with the MRO up to seventy-two (72) hours of a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72 hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the \*\*\*Entity Type\*\*\* for the cost of the test and any lost time. Under federal regulations, the MRO has the discretionary authority to notify the \*\*\*Entity Type\*\*\* that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the \*\*\*Entity Type\*\*\* if the employee is taking an impairing effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of the \*\*\*Entity Type\*\*\*’s Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker’s Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee’s eligibility to receive Unemployment Compensation benefits*.* Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

**WHAT IF YOU FAIL TO FOLLOW SAFETY GUIDELINES?**

Often times, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use \*\*\*Entity Type\*\*\* provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of \*\*\*Entity Type\*\*\* Policy.

**WHAT ABOUT IMPAIRING EFFECT MEDICATIONS OR SUBSTANCES?**

Any employee working in a safety-sensitive position as defined by \*\*\*Entity Type\*\*\* Policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This includes medical and recreational Marijuana, the use of which the \*\*\*Entity Type\*\*\*, for safety reasons, will not be able to accommodate employees working in safety sensitive positions. However, for employees who are qualifying medical marijuana cardholders reporting to work in those states which have statutory anti-discrimination against the use of medical marijuana laws, qualifying employees, and applicants, may request a reasonable accommodation by contacting the DER and such request will be considered. If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the \*\*\*Entity Type\*\*\* reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor to render an opinion on the safety related risks. The employee need not disclose to the \*\*\*Entity Type\*\*\* the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the \*\*\*Entity Type\*\*\*, will make the final determination on the safety related risks of any particular medication or substance.

**WHAT IF AN ADULTERANT IS FOUND?**

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of the Policy. The same would be true if you attempted to substitute a specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. *N.J. Stat. Ann. § 2C:36-10.* The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

**WHAT IF I REFUSE?**

A refusal to provide a specimen for testing, unless the MRO agrees a medically valid reason exists for your inability, will be considered willful misconduct connected with work. Such willful misconduct connected with work will cause an applicant’s offer to be withdrawn and will subject an employee to immediate termination for cause. Under New Jersey law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time, two (2) hours of being directed to do so is also classified as a refusal under the \*\*\*Entity Type\*\*\* Policy.

**DRUG EDUCATIONAL INFORMATION**

Attached to this Policy you will find drug educational information to assist you in recognizing the impairing effects of drug use. The \*\*\*Entity Type\*\*\* will conduct employee education of substance abuse education and awareness and supervisor training on how to recognize signs of abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance abusing employees to the EAP.

**WHAT IF YOU HAVE A SUBSTANCE ABUSE PROBLEM?**

The \*\*\*Entity Type\*\*\* will provide support for employees who need support and help with alcohol or drugs dependency via confidential Employee Assistance Program (EAP), Substance Abuse Professional (SAP) or Medical/Occupational Health support services. Employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases this may require a transfer to other duties (e.g. where a person is working in a safety critical role) while the individual is receiving treatment. However the fact that an employee is seeking or undergoing treatment will not be a defence to a charge of wilful misconduct if the employee report for work under the influence of alcohol or drugs. Our Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through our EAP/SAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report. For confidential help with a substance abuse problem, contact the DER or the EAP/SAP. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP, and may also be available under the health and welfare benefit program for employees, *only to the extent of the current benefits package*. The \*\*\*Entity Type\*\*\* will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee’s responsibility. A list of state and national **Substance Abuse Resources** is a part of this Policy.

**WHAT ABOUT A LAST CHANCE OPPORTUNITY?**

No last chance opportunity is available to a probationary, part time or temporary employee, or in the case of refusal, attempted adulteration, substitution, switching, tampering with, or diluting of a specimen or attempt to defraud a drug test. Employees who receive an EAP/SAP evaluation favorable for rehabilitation may be offered a last chance agreement which will subject the employee to unannounced follow-up testing for up to 12 months, together with other educational and counseling requirements as recommend by the EAP/SAP. A negative return to duty test is required to be placed back on active duty. A positive test, refusal or failure to comply with any term of the last chance agreement during this follow-up period will subject the employee to immediate termination.

**WHY AND WHEN DO WE TEST?**

* Pre-employment: Drug testing will be performed on all final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment.
* Routine Fitness-for-Duty: Safety-sensitive employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.
* Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the \*\*\*Entity Type\*\*\* has a reasonable suspicion that an employees is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result the employee will not suffer a loss of pay.
* Post-Accident/Incident Testing: Testing of Safety-sensitive employee may be conducted under any of the following circumstances: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee’s action or in-action was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the \*\*\*Entity Type\*\*\*’s Post Incident/Accident Investigation related to possible Workers’ Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or in-action, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers’ Compensation Carrier or Fund.
* Random: Employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a “pool” of covered employees. Non-DOT safety-sensitive employees may be included in a Non-DOT testing “pool.” DOT regulated employees should only be placed in a DOT testing “pool.”
* Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

**POLICY PROHIBITIONS**

Employees, applicants and Contractors for the \*\*\*Entity Type\*\*\* are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on \*\*\*Entity Type\*\*\* premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
	1. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.
	2. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on \*\*\*Entity Type\*\*\* premises or property, including \*\*\*Entity Type\*\*\*-owned or leased vehicles, or vehicles used for \*\*\*Entity Type\*\*\* purposes.
	3. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one’s system illegal drugs.
	4. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the \*\*\*Entity Type\*\*\* will refer such matters to the appropriate police authority.
	5. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify \*\*\*Entity Type\*\*\* in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug off-the-job which adversely affects an employee’s performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or the \*\*\*Entity Type\*\*\*’s equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee’s job assignment, the employee’s record with the \*\*\*Entity Type\*\*\* and other factors related to the impact of the employee’s conviction on the \*\*\*Entity Type\*\*\*.
	6. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others’ prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor’s name and the prescription’s expiration date.
	7. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
	8. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by \*\*\*Entity Type\*\*\* or its designee, is a violation of \*\*\*Entity Type\*\*\* Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
	9. Failure to advise pre-duty the \*\*\*Entity Type\*\*\*of the use of a prescription or over-the-counter drug which may alter the employee’s ability to safely perform the essential functions of his or her job.
	10. Failure of an employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.
	11. We strictly prohibit employees from using hemp products, which some within the medical community have indicated may cause a positive marijuana test result. We will not generally consider use of hemp products a valid medical explanation for a positive marijuana test result.
2. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on \*\*\*Entity Type\*\*\* premises or property:
	1. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on \*\*\*Entity Type\*\*\* premises or property, including \*\*\*Entity Type\*\*\* owned or leased vehicles, or vehicles used for \*\*\*Entity Type\*\*\* purposes.
	2. Having possession of, being under the influence of, testing positive for or having in one’s system, alcohol. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*
	3. A conviction or plea of guilty relative to any criminal alcohol offense occurring in the workplace. All employees must notify \*\*\*Entity Type\*\*\* in writing of any criminal alcohol conviction not later than five calendar days after such conviction. Alcohol use off-the-job which adversely affects an employee’s performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or \*\*\*Entity Type\*\*\*’s equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee’s job assignment, the employee’s record with the \*\*\*Entity Type\*\*\* and other factors related to the impact of the employee’s conviction on the \*\*\*Entity Type\*\*\*.
	4. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
	5. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by \*\*\*Entity Type\*\*\* or its designee, is a violation of \*\*\*Entity Type\*\*\* Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
	6. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol.

**HOW CAN YOU HELP?**

1. If you are doing drugs – STOP!
2. If you need help – ASK!
3. If you know someone at work who is doing drugs – TAKE ACTION!
4. Don’t let someone else’s drug or alcohol problem be the cause of an ON THE JOB INJURY!

Only with your help can we truly have a safe, pleasant, and productive environment at the \*\*\*Entity Type\*\*\*.

**\*\*\*Entity Name\*\*\***

\*\*\*Entity Address\*\*\*

\*\*\*Entity City/State/Zip\*\*\*

Phone: \*\*\*Entity Phone\*\*\*

Fax: \*\*\*Entity Fax\*\*\*

**Drug Educational Information**

**Alcohol (Depressant)**

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| **Common Form**s: Beer, wine, hard liquor**How Used**: Oral ingestion, patterns of use vary.**Desired Effect**: People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.**Time in body**: Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is effected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.**Observable effects**: Staggering gait Slurred speech Odor of alcoholic beverage Shaky hands Poor eye-hand coordination Slowed reaction time Eyes react slowly to light - wears sun glasses**Work behavior**: Arrive late, leave early, mis-outs Neglect of physical appearance Restlessness Tremors (hands, face, fingers, lips tongue) Slurred speech Uninhibited - makes inappropriate remarks**Material** Empty liquor bottles, cans, often in paper bags**Indicators**: Flasks, sometimes disguised as other things**Slang Terms** Booze, juice, hooch, grape, eye-opener, hair-of-the-dog, brew, suds, etc. |
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**Amphetamines (Amphetamine and Methamphetamine)**

# Stimulant

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| **Common forms**: Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.**How used**: Orally, sniffed up the nose, or injected.**Desired effects**: Most commonly sought after effects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizophrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.**Time in body**: Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about ½ hour. Single doses detectable for about 48 hours.**Observable** **effects**: Dilated pupils. Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen: person engages in repetitive tasks or mannerisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.**Work behavior**: Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.**Material** Pills, capsules, white powder, granular crystals**Indicators**: Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections**Slang terms**: Defies, bennies, speed, crank, ice, crystal, white crosses, black beauties |

# Cocaine - A Stimulant

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| **Common forms**: Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"**How used**: Cocaine--usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" -- freebase cocaine--is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.**Desired** **effect**: Most commonly sought after effects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.**Time in Body**: Single doses detectable for 12-24 hours**Observable** **effects**: Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose. Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness**Work issues**: Frequent trips "to the restroom"—secluded place. Frequent sick-outs and unexplained absences. Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems--borrows, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep**Material****Indicators**: Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke spoons. Small glass pipes, and heat sources used to volatilize crack.**Slang terms**: Coke, snow, toot, crack, blow, happy dust, "C" |

**Marijuana**

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| **Common forms**: Dried green-brown flowers and leaves of the hemp (cannabis) plant--also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).**How used**: Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.**Desired** **effects**: Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.**Time in body**: Marijuana dissolves in body fat cells and is detectable for extended periods of time--up to seven (7) days for occasional users and four (4) weeks or longer for chronic users**Observable** **effects**: Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat). Poor muscular control. Rambling, disconnected speech patterns. Euphoria--as laughing out of context. Getting "hung up" - i.e. going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.**Work issues**: Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-outs. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users--persistent cough, fatigue, frequent sickness.**Material** **indicators**: Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roaches" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.**Slang terms**: Dope, grass, reefer, weed, ganja, pot, etc. |

**Opioids (Morphine and Codeine)--Narcotic Depressants**

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| **Common forms**: Street forms are pills, liquids and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric." Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid, and is also found in products containing poppy seeds. Heroin is a semi-synthetic derivative of morphine.**How used**: Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.**Desired effects**: Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user experiences a "rush" described as a very pleasurable whole body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.**Time in body**: Single doses are usually detectable for 48-72 hours.**Observable** **effects**: Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"--the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.**Work issues**: Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).**Material** **indicators**: Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or prophylactics used to hold drug. Bloody tissue papers, blood on shirt sleeves.**Slang terms**: Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc. |

**Phencyclidine (PCP)**

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| **Common forms**: Pills, liquid, powder, and PCP cigarettes**How used**: Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.**Desired** **effects**: Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).**Time** **in body**: Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.**Observable** **effects**: Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).**High doses:** Coma-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.**Work issues**: Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.**Material** **indicators**: Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.**Slang terms**: PCP, angel dust, hog, dust, DOA, shermans, sherms, peace pills, dummy, etc. |

**Substance Abuse Professionals**

**NATIONAL RESOURCES**

A2Z Alcohol & Drug Abuse-Addiction 1-800-274-2042

Al-Anon/Alateen Family Group Headquarters 1-800-356-9996

Alcoholics Anonymous World Service 1-212-870-3400

American Council on Alcoholism Helpline 1-800-527-5344

800 Cocaine--An Information and Referral Hotline 1-800-262-2463

Nar-Anon Family Group Headquarters 1-310-547-5800

Narcotics Anonymous 1-818-773-9999

National Association of Alcoholism (NAADAC) 1-800-548-0497

[www.naadac.org](http://www.naadac.org) Fax: 1-800-377-1136

National Association of Addiction Treatment Professionals 1-717-581-1901

[www.naatp.org](http://www.naatp.org)

National Council on Alcoholism and Drug Dependence, Inc. 1-212-269-7797

[www.ncadd.org](http://www.ncadd.org)

Hope Line (24-hour affiliate referral) 1-800-NCA-CALL

Center for Substance Abuse Prevention’s Workplace Hotline 1-800-WORKPLACE

National Clearinghouse for Alcohol & Drug Information 1-800-729-6686

Center for Substance Abuse Prevention’s Drug Information,

Treatment & referral Hotline 1-800-662-HELP

(Spanish-Espanol) 1-800-66-AYUDA

**Employee Assistance Program**

\*\*\*EAP\*\*\*

**\*\*\*Entity Name\*\*\***

**Drug and Alcohol Testing Policy**

**New Jersey Non-DOT**

**Notice to All Employees and Applicants**

**DRUG-FREE WORKPLACE**

\*\*\*Entity Name\*\*\* (the \*\*\*Entity Type\*\*\*) is committed to maintaining a safe, pleasant, and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This Policy highlights the \*\*\*Entity Type\*\*\*’s New Jersey Drug-Free Workplace Policy. The \*\*\*Entity Type\*\*\*’s Designated Employer Representative (DER) is \*\*\*DER\*\*\*. The Alternative DER is \*\*\*Alternate DER\*\*\*.

The \*\*\*Entity Type\*\*\* recognizes the prime importance to the \*\*\*Entity Type\*\*\* of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the effects of substance abuse. While the \*\*\*Entity Type\*\*\* has no intention of intruding into the private lives of its employees, or preventing them from taking the medicine that they may need to stay safe and healthy, the \*\*\*Entity Type\*\*\* does expect employees to report to work unimpaired able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Co-workers may feel that they have to cover up, or work harder because of someone’s alcohol or drug use. Ultimately an employee with an alcohol or drugs problem may lose their job and/or suffer devastating effects on their health*.* The \*\*\*Entity Type\*\*\* has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who know that a fellow employee is working under the influence, owe a similar duty. The failure to honour that duty by taking the right steps to prevent this risk can result in legal liability.

To the extent this Policy supplements, and does not conflict with current collective bargaining agreements, it is applicable.

Notice of the \*\*\*Entity Type\*\*\*’s New Jersey Non-DOT Drug and Alcohol testing will be provided on vacancy announcement and is posted in conspicuous locations on \*\*\*Entity Type\*\*\* premises.

Our program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, the \*\*\*Entity Type\*\*\* safer, and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your hire or continued employment. The \*\*\*Entity Type\*\*\* has developed its drug-free workplace policy in compliance with New Jersey Laws, *and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities*. Applicant testing will begin immediately and sixty (60) days after the effective date of \*\*\*Effective Date\*\*\*, all employees are subject to testing as outlined below. The existing drug and alcohol testing program will remain in place until the effective date of this program.

**\*\*\*Entity Name\*\*\***