


<p style="text-align: center;">TOWNSHIP OF VERONA COUNTY OF ESSEX, NEW JERSEY</p>  <p style="text-align: center;"><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Commercial Driver's Licenses Drug and Alcohol Testing Policy
	Policy Reference No:	2-10
	Release Date:	6 January 2023
	Approved By:	Joseph D'Arco, Township Manager
	Authority:	§ 36-1 (C)
	Revision History:	1
	No. of Pages:	5
	Applicability:	Employees with CDL License

It is the policy of the Township to maintain a drug and alcohol free workplace while complying with all applicable laws and regulations of the Department of Transportation's (DOT) rule, 49 CFR Part 40.

The purpose of this policy, in addition to meeting Federal Regulations, is to establish a program designed to help prevent accidents and injuries resulting from misuse of alcohol or use of controlled substance by drivers of commercial motor vehicles who have a Commercial Driver's License (CDL). This policy will be used in conjunction with the Township's policy on a Drug and Alcohol Free Workplace.

The following policy shall apply to those employees whose job duties include the performance of safety-sensitive functions for which the employee is required to maintain Commercial Driver's License valid in the State of New Jersey

Safety Sensitive job responsibilities are those that can impact both the employee's own safety and the safety of the public. It also refers to jobs that would be particularly dangerous if performed under the influence of drugs or alcohol.

CDL Basics

A CDL is required for operators of any large vehicle, whether such operation is for work or another reason. There are three classes of CDL licenses.

- Class A is required for anyone driving a vehicle that weighs more than 26,000 pounds and towing more than 10,000 pounds.
- Class B licenses are required for vehicles that weigh more than 26,000 pounds, but are towing less than 10,000 pounds.
- Class C license needed for any vehicle that doesn't meet Class A or Class B requirements but that can hold 16 or more passengers or is designed to transport hazardous materials.

Prohibited Conduct:

Employees with a CDL are prohibited from:

1. Reporting from duty or examining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or above.

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2. Being on duty or operating a motor vehicle while in the possession of alcohol. This includes the possession of medicine containing alcohol unless the seal is unbroken.
3. Using alcohol or marijuana while performing safety-sensitive functions, while on duty, on call or during scheduled work time.
4. Performing safety-sensitive functions within four hours after using alcohol.
5. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
6. Reporting for duty or remaining on duty which may require the performance of safety-sensitive functions when the employee distributes, possesses or uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee/driver that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or perform any safety sensitive functions. NOTE: Covered employees shall provide notice of such therapeutic use of controlled substances before working. Appointing Departments shall establish appropriate procedures for reporting of such information by employees and to protect the confidentiality of such information, pursuant to the requirements of the Americans with Disabilities Act, 28 C.F.R. Part 35.
7. Reporting for duty or remaining on duty if the individual tests positive for controlled substance(s).
8. The use or possession of alcoholic beverages, as well as the use, sale, dispensing, possession or presence in one's system of illegal drugs, whether or not on Township property, at any time during the hours between the beginning and ending of the employees work day, may be cause for immediate dismissal. This prohibition also applies to the abuse of legal or prescription drugs which impair the employee's ability to perform duties of the job properly or safely.
9. Refusing to submit a breath, blood, saliva, or urine sample for testing, when requested of the employee. A refusal to submit consists of engaging in conduct that obstructs the testing process, including but not limited to:
 - Failure to remain readily available for a post-accident test;
 - Failure to cooperate with transportation assistance to and from the collection site;
 - Failure to report to the collection site in the time allocated;
 - Failure to provide accurate information to the collection site;
 - Failure to cooperate with collection site personnel, including failure to remain at the collection site when requested to do so;
 - Failure to sign the chain-of-custody form;
 - Failure to provide an adequate sample for testing without a valid medical explanation; or
 - Switching, adulterating, or committing any other misconduct pertaining to any breath, blood, and saliva or urine sample collected for drug or alcohol testing.

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Pre-Employment Drug Testing: Once a conditional offer of employment is made, the candidate shall be required to take a post-offer/pre-employment drug test. Failure to submit to such a test or not having the test conducted within twelve hours of the offer or a time designated by the prospective department head (but not greater than 24 hours), or a verified positive drug test result will disqualify an applicant from consideration.

Random Testing Of Employees:

The Township must randomly test at least 25% of all of their drivers annually for alcohol and 50% for controlled substances.

All drivers in the pool for testing must have an equal chance of being selected and tested in each selection period. Employees are selected by an outside company contracted by the Township using a scientifically-valid method to select employees from the pool, such as a random number table or a computer-based random number generator that is traceable to a specific employee.

Reasonable Suspicion Testing:

The Township shall require a driver to submit to an alcohol and/or controlled substance test when the Township has reasonable suspicion to believe that the driver has violated the DOT Regulations' prohibitions concerning alcohol and/or controlled substances. The Townships determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled-substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver, and may include with respect to controlled substances, indications of chronic use, or withdrawal. The required observations shall be made by a supervisor or company official who is trained in accordance with the DOT Regulations.

An employee reasonably believed to be under the influence of alcohol or illegal drugs shall be immediately prevented from engaging in further work by his/her supervisor and department head and shall be prohibited from returning to work until negative test results are received. Any employee removed from a job for suspected drug or alcohol use will suffer no loss in pay provided the test result is negative.

If the Township determines to test an employee, the employee will be given a direct order to submit to the test. Unionized employees shall be given the opportunity to have a union representative present if requested. The test will not be unreasonably delayed waiting for the attendance of a union representative. Refusal on the part of the employee to submit to a test shall be considered as having tested positive and may be subject to termination or may elect to attend rehabilitation.

The employee shall be transported in a reasonable amount of time to a qualified testing facility where a drug and/or alcohol screening will be administered. The employee will be required to sign a consent form prior to the test. Refusal to sign the consent form or intentional interference

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with the effective operation of the test shall be considered misconduct and shall be grounds for discharge.

The Township will afford the employee subject to testing the opportunity to list all prescription and non-prescription drugs they have used or recently used and the circumstances surrounding the use of such drugs and controlled substances.

The Township will allow a split sample to be taken so the employee may independently test the specimen at his/her own expense.

All alcohol and drug testing reports shall be treated in a confidential fashion and will only be revealed to those with a business need to know.

Post-Accident Testing:

Following an accident involving a commercial motor vehicle engaged in commerce and operating on a public road, the Township must screen each driver involved in such an accident for alcohol and controlled substances who:

1. Were involved in performing safety-sensitive functions if the accident involved the loss of human life; or injury
2. Received a citation under state or federal law within a certain period of time after the accident, provided the accident caused bodily injury to a person, resulting in immediate medical treatment, or one or more of the vehicles involved in the accident had to be towed from the scene.

Window of Testing:

As soon as practical the employee will be tested provided that:

1. Under no circumstances shall a post-accident test for alcohol be administered beyond the 8 hour period immediately following the accident.
2. Under no circumstances shall a post-accident test for controlled substances be administered beyond the 32 hour period immediately following the accident.

Employees will be removed immediately from the performance of safety sensitive functions pending the outcome of the test(s).

Positive Result of BAT and/or UDS

The driver must be removed for all safety-sensitive functions and may be subject to disciplinary action up to and including termination.

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Return to Duty and Follow-up Testing

Any employee who is absent from work due to a positive test result shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02% and/or the driver shall undergo a return-to-duty controlled-substances test with a result indicating a verified negative result for controlled-substances use before being permitted to return to duty.

1. The driver will be subject to random follow-up drug and alcohol testing for a minimum of two (2) and maximum of five (5) years. A minimum of six (6) tests must be conducted in the first twelve (12) months. The number and frequency of such additional testing shall be directed by a Substance Abuse Professional. Failure of follow up tests will be cause for immediate termination of employment.
2. Follow up testing is at the expense of the employee.
3. Follow up testing does not take the place of random testing which is at the expense of the Township.

A refusal is treated the same as a failed alcohol test or a positive drug test and shall be cause for immediate termination of employment.

Employee Notification

The Township shall establish the necessary operational procedures to implement this policy in accordance with the standards established in 49 CFR Parts 383, et al. and provide notice to all covered employees providing a copy of the policy and an explanation of the procedures to applicable employees.

All employees shall sign acknowledging the receipt of the policy and an explanation of the procedures and such receipt shall be maintained in the employee's personnel file.

Confidentiality

Information regarding drug and alcohol testing results, therapeutic drug use or medical conditions obtained in the course of drug and alcohol screening will be treated as confidential medical information and will be maintained separate from the employees personnel file.

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Revision No.	Revision Date	Nature of Revision	Approved By
1	1/6/2023	Changed Approver from Cavallo to D'Arco	JD