



# DEPARTMENT OF TRANSPORTATION POLICY/PROCEDURE

Policy No. 535  
Supersedes: 2.1081

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<b>SUBJECT:</b>  DRUG & ALCOHOL FREE WORK PLACE	Effective Date:  9/1/05	Commissioner Approval:  Sponsor Approval:  Contact Telephone #: 609-530-2953
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## I. INTRODUCTION & PURPOSE

The purpose of this document is to outline N.J.D.O.T.'s policy to maintain a drug and alcohol free workplace.

As a public agency of the State of New Jersey, N.J.D.O.T. is firmly committed to operating in the safest and most efficient manner possible. As a responsible employer, it is also committed to promoting the safety and welfare of its employees. The widespread problem of drug and alcohol abuse in our society is a potential threat to those objectives, endangering not only the motoring public, but also the personal lives of its employees.

In order to meet its commitments to the citizens of New Jersey, the motoring public and its employees, it is essential that N.J.D.O.T. operate in an alcohol and drug free environment, and that its employees be free from the effects of alcohol and other mind altering drugs. It is the responsibility of each employee to ensure that he/she is alcohol and drug free in compliance with the requirements outlined in this policy. The objective of an alcohol and drug free workplace will be accomplished through an integrated program of education, assistance, and testing for alcohol and drugs which both protects employees' rights and affords those suffering from substance abuse problems the opportunity to get the assistance needed to overcome them.

NOTE: Refer to Section V, E. and Note in Section G.1.b. of this policy, as well as the NJDOT Guidelines for Discipline for instruction regarding reasonable suspicion drug and alcohol testing of employees not in safety sensitive designated positions.

## II. SUPERSEDES

Department of Transportation Policy 2.1081

## III. APPLICABILITY

As a condition of employment, this policy applies to all N.J.D.O.T. employees.

The provisions of this policy shall be subject to any limitations or requirements imposed by state or federal law. Moreover, any employment action taken by N.J.D.O.T. for violation of provisions of this policy shall be taken in accordance with the procedures contained in applicable collective bargaining agreements and the N.J. Administrative Code.

## IV. DEFINITIONS

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Use – The use of any beverage, mixture, or preparation, including any medication containing alcohol.

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## IV. DEFINITIONS (cont'd)

CDL Employee – A state employee who possesses a valid Commercial Driver's License and performs safety sensitive duties for the N.J.D.O.T.

Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded in accordance with the Hazardous Materials Regulations (USDOT 49 CFR part 172, subpart F).

Bridge Operator – An employee responsible for the safe and efficient operation of a Drawbridge, in accordance with Departmental and Federal Regulations. (Note: this definition is inclusive of Bridge Operator Trainees, Bridge Operators, and Chief Bridge Operators.)

Controlled Substance – Has the meaning assigned by 21 U.S.C. 812 including substances listed on Schedules I through V as they may be revised from time to time (21 CFR parts 1301-1316), and including those substances defined by N.J.S.A. Title 24 and companion regulations as they may be revised from time to time.

Criminal Drug Statute – Federal or State Criminal Statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

Drug – Interchangeable use with the term “controlled substance.” Unless otherwise provided, refers to marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).

Medical Review Officer (MRO) – Designated State doctor(s) or contract physician(s) with appropriate medical training and knowledge of substance abuse conditions, authorized to receive, review and report laboratory drug test results.

On Duty – Any time period (regular work hours, overtime, hourly services), including breaks, during which an employee is required to comply with a directive from a supervisor and the employee will perform and/or be available to perform all work duties including safety sensitive functions.

Performing a Safety Sensitive Function – Any period in which a bridge operator/driver is actually performing, ready to perform, or immediately able to perform any safety sensitive function.

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#### IV. DEFINITIONS (cont'd)

Positive Alcohol Test – A breath alcohol level of .04 or greater as measured by a breath analysis machine approved for use by the F.H.W.A. and appearing on the “Conforming Products List” in the Federal Register.

Positive Drug Test – A controlled substance test result reported positive by the laboratory and subsequently confirmed upon review by the medical review officer as evidence of prohibited drug use.

Drug/Alcohol Testing Coordinator – Has the responsibility to coordinate the drug/alcohol testing.

Safety Sensitive Function – Any on-duty function as follows:

- All time at a carrier or shipper plant, terminal, facility or other property, waiting to be dispatched, unless the employee has been relieved from duty by the supervisor.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- All time spent monitoring and operating drawbridges, or any equipment thereof, located anywhere within the State of New Jersey.

Site Manager – Responsible for monitoring and certifying the attendance and testing for random drug/alcohol testing.

Snow Volunteer – Outside agency employee or employee other than Maintenance workforce who participates with pay in the D.O.T. Snow Removal/Ice Control Winter Operations Program. Commercial vehicle operators are responsible for obtaining a Commercial Driver’s License.

Subject to Duty – Any time period an employee is required to be available to perform a safety-sensitive function.

Supervisor or Supervisory Employee – An employee with functional responsibility for directing the work of other employees, but not a co-worker.

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## IV. DEFINITIONS (cont'd)

Tampering – Introducing any foreign substances into a testing sample for the express purpose of making a sample untestable or for altering results.

Workplace – Any location, including but not limited to garages, depots, yards, offices, field or road sites, or bridges, whether or not owned or operated by the State of New Jersey, where official State business is conducted or where job duties are performed.

## V. POLICY

### A. Voluntary Participation in Treatment

- Employees who have drug and/or alcohol abuse problems are encouraged to voluntarily seek treatment. Treatment may be sought independently by the employee, without employer involvement.
- Employees may be able to avoid negative consequences regarding their employment by seeking help to correct their substance abuse problem unless a breach of discipline is involved.

### B. Prohibited Conduct

As a condition of employment, all N.J.D.O.T. employees are prohibited from:

- Being under the influence of a drug or alcohol while reporting for, or on duty, while at the workplace, or while operating or being a passenger in an N.J.D.O.T. vehicle or equipment.
- Tampering with a drug or alcohol test, which is considered a refusal to cooperate and constitutes grounds for dismissal.
- Unlawfully manufacturing, distributing, dispensing, possessing or using a controlled dangerous substance (example marijuana, etc.) at any time or possessing, distributing or using alcohol while reporting for or on duty while at the workplace or while in N.J.D.O.T. vehicles, except as permitted by Section V (D) below.

Note: An employee who has used alcohol during off duty hours and is contacted for duty has an obligation to advise management of possible impairment and must ask to be excused from reporting to work.

Violation by any N.J.D.O.T. employee of any of the above prohibitions can be a removable offense.

### C. Notification of charges and Convictions of Criminal Drug Statues

- All N.J.D.O.T. employees must notify their immediate supervisor within five days of being formally charged with a violation of, and/or conviction (which includes a plea of no contest) of any criminal drug statute.
- Failure to comply with this notice requirement in a timely manner will result in disciplinary action. Conviction of any criminal drug statute can be a removable offense.

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### V. POLICY (cont'd)

#### D. Use of Prescribed Drugs

N.J.D.O.T. will allow the possession and/or use of drugs specifically prescribed for the employee by his/her physician provided:

- The employee has described his/her assigned duties to the physician at the time the drugs are prescribed; and
- With knowledge of those duties and on the basis of the available medical history, the physician has made a good faith judgment that use of the drug(s) at the prescribed dosage level(s) is consistent with the safe performance of the employee's duties. The employee is required to provide medical documentation from his/her physician to the immediate supervisor before accepting a safety sensitive work assignment.
- The drugs are in the original containers clearly labeled with the employee's name, the name of the drug, and the physician's Federal Drug Enforcement Administration number, and the drugs are used at the dosage prescribed.

#### E. Requirement of Cooperation with Collection and Testing

- Each employee required to be tested for drugs and/or alcohol pursuant to this policy must provide undiluted breath and/or urine samples as requested, must supply the information necessary to identify the samples (i.e. complete paperwork and initial specimen), and cooperate with the collection and testing procedures.
- Refusal to cooperate with the collection or testing procedures will result in immediate suspension pending removal from state service.
- If the employee serves in a bridge operator title or one requiring a Commercial Driver's License (CDL), the department's drug and alcohol testing procedure should be followed including completion of the "Reasonable Suspicion – Supervisor's Observation/Report Form" and required testing.
- If the employee serves in a title other than those described above and there is reasonable suspicion, the supervisor should complete the aforementioned Observation Report Form, notify management and the Bureau of Employee Relations prior to having the employee transported to the nearest authorized medical facility for evaluation. The employee may be asked to voluntarily submit to a drug and/or alcohol test.

#### F. Deterrence

A major tool in the battle against drug and alcohol abuse is education and awareness. Accordingly, N.J.D.O.T. will attempt to educate employees about the dangers of alcohol and drugs, their effects and consequences. The education program will help motivate employees to understand the problems associated with abusing drugs, alcohol and personal functioning as well as their functioning on the job.

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### V. POLICY (cont'd)

#### G. Detection

General – employees are reminded that a requirement of cooperation exists. See Section V (E).

All testing will be performed with standardized equipment and certified laboratories in accordance with procedures established in 49 CFR Part 40, et.al. Additionally, nothing in this policy shall be considered to authorize any delay in obtaining emergency medical treatment where appropriate.

Circumstances under which drug and/or alcohol testing will be administered:

#### 1. Reasonable Suspicion Testing

##### a. Alcohol Testing

- An on-duty CDL employee or Bridge Operator shall be required to submit to an alcohol test when the supervisor has reasonable suspicion to believe the employee has violated Section V (B), Prohibited Conduct related to alcohol. The supervisor's determination that reasonable suspicion exists must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.
- Under no circumstances shall a test for alcohol under these conditions be administered beyond the eight (8) hour period immediately following the supervisor's determination.

##### b. Controlled Substance Testing

- An on-duty CDL employee or Bridge Operator shall be required to submit to a test for controlled substances when the supervisor has reasonable suspicion that the employee has violated Section V (B) Prohibited Conduct.
- The supervisor's determination that reasonable suspicion exists must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.
- The required observations for alcohol and/or controlled substances shall be made by a supervisor who has been trained in accordance with Section V (H).
- In all cases of reasonable suspicion testing, supervisors shall be required to document their observations in a standard manner as adopted in the appointing authority's operating procedures. The Supervisor's Observation/Report Form must be used for documentation.

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### V. POLICY (cont'd)

#### G. 1 b. Controlled Substance Testing (cont'd)

- In accordance with this type of testing, employees will be immediately removed from the performance of safety-sensitive functions pending the outcome of the test(s).

Note: If the employee serves in a title other than Bridge Operator, or one requiring a CDL, the supervisor should complete the aforementioned Supervisor's Observation/Report Form and notify management and the Bureau of Employee Relations, prior to having the employee transported to the nearest authorized medical facility for evaluation. The employee may be asked to voluntarily submit to a drug and/or alcohol test.

#### H. Training

Each appointing authority shall ensure that persons, designated to determine whether reasonable suspicion exists, receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

#### I. Confidentiality

Information regarding a medical condition obtained in the course of drug and alcohol testing must be treated as a confidential medical record. Such information shall be collected and maintained on separate forms and in medical files separate from the employee's personnel file.

The laboratory performing drug testing shall report individual test results to the MRO. The results shall not be disclosed by the laboratory to any other person other than to the individual who provided the sample.

The MRO can release controlled substance test results to the employer only after those results have been confirmed positive and only after the MRO has made all reasonable efforts to discuss the results with the individual who provided the sample.

Statistical compilations, without individual identifiers, may be made available to the public.

Any individual, who is the subject of a drug test, shall upon written request, have access to any records relating to his/her drug test.

#### J. Sanctions

N.J.D.O.T. employees violating provisions of this policy will be subject to disciplinary action up to and including suspension and/or removal in accordance with the NJDOT Guidelines for Discipline, Policy and Procedure 532. Snow volunteers who test positive will be removed from the Snow Removal Program.

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### VI. AUTHORITY

This policy was developed in accordance with the following Federal and State rules and regulations which apply to the New Jersey Department of Transportation (NJDOT):

- N.J.A.C. 4A:2-2.3
- Governor's Executive Order #204, 1989, the N.J. Div. Of Criminal Justice's Attorney General's Guidelines.
- Department of Transportation, Office of the Secretary, 49 CFR Part 40 – Procedures for Transportation Workplace Drug Testing Programs; Final Rule
- Department of Transportation, Office of the Secretary, 49 CFR Part 382 et al. – Controlled Substances and Alcohol Use and Testing



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### **“PRE-EMPLOYMENT TESTING PROCEDURE” DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS**

All notices for employment opportunities for the performance of safety-sensitive functions shall include notice of the requirement to submit to testing for controlled substances upon the receipt of a conditional offer of employment. This includes those notices issued by the Department of Personnel, as well as all job opportunities posted by State appointing authorities.

#### **I. BRIDGE OPERATOR/DRIVER RESPONSIBILITY**

##### Post-offer for Final Applicants

All individuals receiving conditional offers of employment for positions requiring the performance of safety-sensitive functions will be required to submit to testing for controlled substances before final employment is confirmed. This category includes, but is not limited to, new employees, former employees returning to State service via reemployment lists, interim appointees, temporary employees and snow volunteers.

##### Movement of Current Employees

Current State employees who are initially assigned or reassigned to a safety-sensitive function in which service has not been rendered for six months or more are required to be tested prior to starting work in the new function. This category includes, but is not limited to reassignments, temporary or interim appointments, demotions, promotions, transfers, and appointments resulting from a reduction-in-force.

#### **II. TEST RESULTS**

All individuals will be notified of the result of any pre-employment drug test that is positive.

An individual who tests positive for a controlled substance will not be appointed.

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### **“REASONABLE SUSPICION TESTING PROCEDURE” DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS**

#### **I. BRIDGE OPERATOR/DRIVER RESPONSIBILITY**

Employees required to maintain a Commercial Drivers License or safely and efficiently operate a drawbridge, must submit to drug and/or alcohol testing if the supervisor observes the employee's behavior, and has reasonable suspicion that the employee is impaired.

Bridge Operators/Commercial Drivers License holders are to be available for a safety sensitive assignment (i.e.: operating a vehicle which requires a CDL, or operating a drawbridge), anytime during a work shift, and are subject to the “Reasonable Suspicion Testing Procedure” upon reporting for work, anytime during the work shift and immediately following the work shift.

Reporting to work for the normal assigned work shift, or overtime assignments constitutes being available for a safety sensitive assignment.

Bridge Operators/Commercial Drivers License holders must not report to work in an impaired state.

#### **II. SUPERVISOR RESPONSIBILITY**

The immediate supervisor or in the absence of the immediate supervisor, the appropriate in-line member of supervision or management (i.e. Assistant Crew Supervisor, Area Supervisor, Regional Equipment Supervisor, Transportation, Master Mechanic, Regional Maintenance Engineer or Bureau Manager, Supervisor of Drawbridge Operations, or Executive Director), must decide if a drug/alcohol test should be administered in accordance with the reasonable suspicion provisions of this policy. This decision can only be made after the employee is personally observed by the individual making the decision to test.

If a member of supervision is unsure of the need to have a test performed, the supervisor may request a second opinion from another member of supervision in his/her chain of command. This second opinion should be confidential and without provocation to the employee in question. During this time the employee in question should be given a non-safety sensitive assignment, if available, and remain under the observation of the supervisor.

#### **TO TEST OR NOT TO TEST?**

The individual making the decision to request a drug and alcohol test should ask themselves the following questions. This should be done as the test requester is completing the Supervisor's Observation/Report Form.

1. “Why am I asking for the test?”
2. “Which behaviors make me suspicious?”

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### REASONABLE SUSPICION TESTING PROCEDURE (cont'd)

If it is decided that a drug and alcohol test is required, the supervisor must do the following:

1. Inform the employee that your observations of his/her behavior warrant the performing of a drug and/or alcohol test. The employee must be told that if he/she refuses to submit to the test(s), he/she will be terminated. This should be done, if possible, in a setting that offers privacy. If the supervisor feels more comfortable, another member of supervision can be present during this time.
2. The supervisor will notify the testing company that he/she is requesting a drug and/or alcohol test in accordance with the reasonable suspicion provisions of this policy, and provide the employee's name and social security number.
3. A member of supervision must transport the employee to an approved medical facility and remain with the employee until the test is completed.
4. The individual requesting the test is to immediately notify the Regional Maintenance Engineer (Bureau Manager), or Area Supervisor, Drawbridge Operations, that a test has been requested. Additionally, the Bureau of Employee Relations and the Drug/Alcohol Testing Coordinator must be notified.
5. The employee is to remain at the testing location under the direct supervision of a member of supervision, and is not to operate any DOT vehicles or equipment until the samples are collected. Testing for alcohol should occur within two hours. If alcohol tests are not conducted in two hours, documentation must be provided justifying why the test did not occur. Drug tests can be performed anytime immediately prior to, during, or immediately following a safety sensitive assignment.
6. The testing company will prepare the test site and perform the required testing.

### **III. TEST RESULTS**

- A. ALCOHOL – The test results for alcohol will be available immediately.

#### .04 And HIGHER

1. After informing the Regional Maintenance Engineer (Bureau Manager) or Area Supervisor, Drawbridge Operations of the test results, the supervisor will place the employee off duty, with pay. The employee is to remain off duty, with pay until such time as a decision is issued by the Bureau of Employee Relations regarding a change of that status.

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### REASONABLE SUSPICION TESTING PROCEDURE (cont'd)

#### A. ALCOHOL (Cont'd)

2. If the employee is found to have a breathalyzer reading of .04 or higher, the employee must be removed from the work site. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises.
3. The Bureau of Employee Relations will schedule a "Loudermill Hearing" with the employee. Arrangements will be made for a union representative to be present. The hearing is to be held in the Bureau of Employee Relations, with a representative from that office. If the next morning is a non-scheduled workday, the hearing will be held on the morning of the next regular business day. Failure of the employee to attend the "Loudermill Hearing" will result in the employee being placed on suspension, without pay, pending termination proceedings.

#### LESS THAN .04

If the vehicle/bridge operator is found to have a breathalyzer reading of less than .04 but greater than .02, the employee will be sent or taken home and not permitted to return for a period of 24 hours, after the time the test was conducted. The employee will be recorded as "Authorized W" for the 24-hour period after the time the test was conducted. The use of benefit time will not be permitted in this instance. After the 24-hour period the employee will be permitted to return to full duty status.

- B. DRUGS – Because the results of a drug test are not immediately known, the following procedure should be used during the time between testing and result notification.

#### FIRST 72 HOURS AFTER TESTING

1. Pending the receipt of the drug test results, the employee is to remain off duty, with pay. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises.
2. If the test results are anything other than negative, the MRO will contact the employee directly to obtain additional information relative to the test results.

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### REASONABLE SUSPICION TESTING PROCEDURE (cont'd)

#### D. DRUGS (cont'd)

3. Within 24 hours after testing, the MRO will notify the Bureau of Employee Relations of all negative drug test results. This is to be done by phone and a FAX document, to avoid confusion. The Bureau of Employee Relations will then notify the Drug/Alcohol Testing Coordinator of the results, via telephone.
4. The MRO will notify the Bureau of Employee Relations of all positive drug test results.
5. The Bureau of Employee Relations will notify the Drug/Alcohol Testing Coordinator, of any positive drug test results. This is to be accomplished by telephone, maintaining confidentiality.
6. Upon receipt of documentation which substantiates a positive drug test, the Bureau of Employee Relations will schedule a "Loudermill Hearing." Arrangements will be made for a union representative to be present. Failure of the employee to attend the "Loudermill Hearing" will result in the employee being placed on suspension, without pay, pending termination proceedings.

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### “POST ACCIDENT TESTING PROCEDURE” DRUG AND ALCOHOL TESTING PROGRAM FOR CDL HOLDERS

Testing a vehicle operator is required when it is determined that:

1. The employee was operating a vehicle which requires a CDL for its operation.
2. The operator has been involved in a motor vehicle accident with either of the following results:
  - A. The accident involves the loss of human life.
  - B. The employee (driver) receives a citation in accordance with State or Local Law for a moving traffic violation arising from the accident, if the accident involved:
    - bodily injury to any person who immediately receives medical treatment away from the scene of the accident, or
    - one or more motor vehicles incurring disabling damage as a result of the accident required the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

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### POST-ACCIDENT TESTING PROCEDURE FOR CDL EMPLOYEES (Cont'd)

#### **I. DRIVER RESPONSIBILITY**

Immediately after being involved in a motor vehicle accident, the operator is to report the accident to the police and contact his/her immediate supervisor. In the absence of the immediate supervisor, the driver is to report the accident to the Regional Maintenance Engineer (or Bureau Manager), or Regional Operations Center (Radio Room) and wait for directions.

If the driver is injured, the driver is to follow the directions of the medical attendants, and request that police notify the immediate supervisor or the Regional Maintenance Engineer (or Bureau Manager).

Inform your immediate supervisor or the Regional Maintenance Engineer (or Bureau Manager) of the following information:

- The type of vehicle you are operating
- If the accident resulted in bodily injury requiring immediate medical treatment away from the scene of the accident or a fatality
- Was a ticket issued and if so, what for?
- Location of accident ... be specific
- Brief description of the accident
- If you require medical assistance
- What medical facility you will be taken to
- Is the department vehicle operable or is it being towed?

Note: If the employee is remaining at the accident site, he/she shall give the exact location where he/she can be found when supervision arrives.

THE VEHICLE OPERATOR IS NOT TO LEAVE THE SCENE OF THE ACCIDENT UNLESS AUTHORIZED OR DIRECTED BY THE POLICE.

#### **II. SUPERVISOR RESPONSIBILITY**

The immediate supervisor or in the absence of the immediate supervisor, the Regional Maintenance Engineer (or Bureau Manager), or Executive Director, must decide if a drug/alcohol test should be administered in accordance with the post accident provisions of this policy.

##### TO TEST OR NOT TO TEST?

1. Was the employee operating a vehicle that is categorized as a commercial vehicle in accordance with the statewide policy?

##### COMMERCIAL MOTOR VEHICLE

Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds

Or

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## POST-ACCIDENT TESTING PROCEDURE FOR CDL EMPLOYEES (Cont'd)

### II. SUPERVISOR RESPONSIBILITY (cont'd)

Has a gross vehicle weight rating of 26,001 or more pounds

Or

Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded in accordance with the Hazardous Materials Regulations (USDOT 49 CFR part 172, subpart F).

2. If the vehicle is not considered a commercial vehicle, NO TEST IS REQUIRED IN ACCORDANCE WITH THE "POST ACCIDENT" PROVISIONS OF THE LAW.

Non-commercial vehicle accidents are to be addressed in accordance with N.J.D.O.T. Policy and Procedure #1.4042, Reporting Accidents Involving Motor Vehicles, Road Equipment and Safety Devices.

3. If the vehicle is a commercial vehicle, the following guidelines apply:

#### **MANDATORY TESTING IF EITHER OF THE FOLLOWING CONDITIONS IS MET:**

The accident involves the loss of human life

Or

The employee (driver) receives a citation in accordance with State or Local Law for a moving traffic violation arising from the accident, if the accident involved:

bodily injury to any person who immediately receives medical treatment away from the scene of the accident, or

one or more motor vehicles incurring disabling damage as a result of the accident required the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Note: If a citation or fatality results, testing for alcohol is required within 8 hours of the accident. If a citation or fatality results, testing for drugs is mandatory within 32 hours of the accident.

TESTING MAY BE REQUIRED IF VEHICLE OPERATOR'S ACTIONS APPEAR TO HAVE CONTRIBUTED TO THE ACCIDENT AND THE VEHICLE OPERATOR MEETS CRITERIA DEFINED IN THE "REASONABLE SUSPICION" GUIDELINES.

Note: Before requesting a drug and alcohol test, in the absence of a fatality or a moving citation, meeting the conditions set forth above, the supervisor should be prepared to answer the following questions:

1. "Why am I asking for the test?"
2. "Why did the police not test?"
3. "What behaviors make me suspicious?"



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### POST-ACCIDENT TESTING PROCEDURE FOR CDL EMPLOYEES (Cont'd)

#### **II. SUPERVISOR RESPONSIBILITY (cont'd)**

If the immediate supervisor decides that a drug and/or alcohol test is required, the supervisor must do the following, immediately after being called by the vehicle operator and before traveling to the accident site:

1. Notify the testing company that an accident has occurred and that you are requesting a drug and alcohol test as a result of the accident; provide the company with the employee's name and social security number; and inform the company where the operator will be physically located for testing. If the operator requires medical assistance, the testing company will need to know the name of the medical facility where the operator is being taken. If the operator is not injured and is permitted to leave the accident scene, the operator is to be transported to the nearest drug/alcohol testing facility. In the event transport is impossible or beyond facility hours, call the 1-800 number supplied by the Drug/Alcohol Testing Coordinator. The testing company will need the address of the employee's work location so that the testing agent can travel to the site.
2. The supervisor is to immediately notify the Regional Maintenance Engineer (or Bureau Manager) that an accident has occurred and that a test has been requested.
3. The supervisor is to travel to the accident scene and inform the employee that a drug and/or alcohol test has been ordered. The supervisor is to tell the employee the following: "This accident meets the criteria for drug and/or alcohol testing, therefore I have arranged for you to be tested. You are required to take this test and if you refuse to take the test, your employment will be terminated."
4. The operator is to be escorted from the accident scene by a member of supervision, and is not to operate any DOT vehicles or equipment until the results of the test are known. The employee is to remain at the test location in the presence of supervision until the tests are completed. Testing should occur within the first two hours after an accident. However, tests for alcohol could be conducted as much as 8 hours after the accident, and drug tests can occur as much as 32 hours after an accident.
5. The testing company will prepare the test site and perform the required testing.

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### POST-ACCIDENT TESTING PROCEDURE FOR CDL EMPLOYEES (Cont'd)

#### **III. TEST RESULTS**

- A. Alcohol – The test results for alcohol will be available immediately.

##### .04 And HIGHER

1. If the employee is found to have a breathalyzer reading of .04 or higher, the employee must be removed from the work site. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises.
2. After informing the Regional Maintenance Engineer (or Bureau Manager) of the test result, the immediate supervisor will place the employee off duty, with pay. The employee is to remain off duty, with pay, until such time as a decision is issued by the Bureau of Employee Relations regarding a change of that status.
3. The Bureau of Employee Relations will schedule a "Loudermill Hearing" with the employee. Arrangements will be made for a union representative to be present. The hearing is to be held in the Bureau of Employee Relations, with a representative from that office. If the next morning is a non-scheduled workday, the hearing will be held on the morning of the next regular business day.
4. Failure of the employee to attend the "Loudermill Hearing" will result in the employee being placed on suspension, without pay, pending termination proceedings.

##### LESS THAN .04

1. If the vehicle operator is found to have a breathalyzer reading of less than .04 but greater than .02, the employee will be sent or taken home and not permitted to return for a period of 24 hours, after the time the test was conducted. The employee will be recorded as "Authorized W" for the 24-hour period after the time the test was conducted. The use of benefit time will not be permitted in this instance. After the 24-hour period the employee will be permitted to return to full duty status.
- B. Drugs – Because the results of a drug test are not immediately known, the following procedure should be used during the time between testing and result notification.

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### POST-ACCIDENT TESTING PROCEDURE FOR CDL EMPLOYEES (Cont'd)

#### III. TEST RESULTS (cont'd)

##### FIRST 72 HOURS AFTER TESTING

1. Pending the receipt of the drug test results, the employee is to remain off duty, with pay. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises.
2. If the test results are anything other than negative, the Medical Review Officer (MRO) will contact the employee directly to obtain additional information relative to the test results.
3. Within 24 hours after testing, the MRO will notify the Bureau of Employee Relations of all negative drug test results. This is to be accomplished by phone and a FAX document, to avoid confusion. The Bureau of Employee Relations will then notify the Drug/Alcohol Testing Coordinator of the results, via telephone.
4. The MRO will notify the Bureau of Employee Relations of all positive drug test results.
5. The Bureau of Employee Relations will notify the Drug/Alcohol Testing Coordinator of any positive drug test results. This is to be accomplished by telephone, maintaining confidentiality.
6. Upon receipt of documentation which substantiates a positive drug test, the Bureau of Employee Relations will schedule a "Loudermill Hearing." Arrangements will be made for a union representative to be present. Failure of the employee to attend the "Loudermill Hearing" will result in the employee being placed on suspension, without pay, pending termination proceedings.

Note: In units where the Regional Maintenance Engineer is not the Manager, the respective Bureau Manager will assume the duties and responsibilities of the Regional Maintenance Engineer, as defined in this procedure.

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## **“POST ACCIDENT TESTING PROCEDURE” DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS**

Testing of a Bridge Operator is required after any vehicular, boating or pedestrian accident which occurs in conjunction with the opening or closing of the drawbridge which results in property damage and/or injury or death to those involved.

### **I. BRIDGE OPERATOR RESPONSIBILITY**

Immediately after being involved in an accident described above, the operator is to report the accident in accordance with the established procedure for reporting significant events.

### **II. SUPERVISOR RESPONSIBILITY**

The Area Supervisor or in the absence of the Area Supervisor, the Supervisor of Drawbridge Operations, must decide if a drug/alcohol test should be administered in accordance with the post accident provisions of this policy.

#### **TO TEST OR NOT TO TEST?**

1. Was there damage to private or State property?
2. If the event is the result of electrical/mechanical malfunction, **NO TEST IS REQUIRED.**

Accidents are to be addressed in accordance with Drawbridge Operations procedure for reporting significant events.

3. Was there bodily injury to any person who immediately received medical treatment away from the scene of the accident?
4. Did one or more motor vehicles incur disabling damage as a result of the accident requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle?
5. **MANDATORY TESTING SHOULD OCCUR IF THE EVENT IS AN ACCIDENT WHICH OCCURS DURING THE OPENING OR CLOSING OF A BRIDGE AND EITHER OF THE FOLLOWING CONDITIONS IS MET:**

The accident involves the loss of human life

Or

The accident results in damage to any marine vessel and/or bridge

Note: If a fatality results, testing for alcohol is required within 8 hours of the accident. If a fatality results, testing for drugs is mandatory within 32 hours of the accident.

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### POST-ACCIDENT TESTING PROCEDURE FOR BRIDGE OPERATORS (Cont'd)

TESTING MAY BE REQUIRED IF THE OPERATOR'S ACTIONS APPEAR TO HAVE CONTRIBUTED TO THE ACCIDENT AND THE OPERATOR MEETS CRITERIA DEFINED IN THE "REASONABLE SUSPICION" GUIDELINES.

If a member of supervision decides that a drug and/or alcohol test is required, the following must be done, immediately after being called by the operator and before traveling to the accident site.

1. Notify the testing company that an accident has occurred and that you are requesting a drug and/or alcohol test as a result of the accident; provide the company with the employee's name and social security number; and inform the company where the operator will be physically located for testing. If the operator requires medical assistance, the testing company will need to know the name of the medical facility where the operator is being taken. If the operator is not injured and is permitted to leave the accident scene, the operator is to be transported to the nearest drug/alcohol testing facility. In the event transport is impossible or beyond facility hours, call the 1-800 number supplied by the Drug/Alcohol Testing Coordinator. The testing company will need the address of the employee's work location so that the testing agent can travel to the site.
2. The supervisor is to travel to the accident scene and inform the employee that a drug and/or alcohol test has been ordered. The supervisor is to tell the employee the following: "This accident meets the criteria for drug and/or alcohol testing, therefore I have arranged for you to be tested. You are required to take this test and if you refuse to take the test, your employment will be terminated."
3. The operator is to be escorted from the accident scene by a member of supervision, and is not to operate any DOT vehicles, equipment, or bridges, until the results of the test are known. The employee is to remain at the test location in the presence of supervision until the tests are completed. Testing should occur within the first two hours after an accident. However, tests for alcohol could be conducted as much as 8 hours after the accident, and drug tests can occur as much as 32 hours after an accident.
4. The testing company will prepare the test site and perform the required testing.

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### POST-ACCIDENT, BRIDGE OPERATORS (cont'd)

#### **III. TEST RESULTS**

- C. Alcohol – The test results for alcohol will be available immediately.

##### .04 And HIGHER

1. If the employee is found to have a breathalyzer reading of .04 or higher, the employee must be removed from the work site. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises.
2. After informing the Area Supervisor and Supervisor of Drawbridge Operations of the test result, the supervisor will place the employee off duty, with pay. The employee is to remain off duty, with pay, until such time as a decision is issued by the Bureau of Employee Relations regarding a change of that status.
3. The Bureau of Employee Relations will schedule a "Loudermill Hearing" with the employee. Arrangements will be made for a union representative to be present. The hearing is to be held in the Bureau of Employee Relations, with a representative from that office. If the next morning is a non-scheduled workday, the hearing will be held on the morning of the next regular business day.
4. Failure of the employee to attend the "Loudermill Hearing" will result in the employee being placed on suspension, without pay, pending termination proceedings.

##### LESS THAN .04

If the operator is found to have a breathalyzer reading of less than .04 but greater than .02, the employee will be sent or taken home and not permitted to return for a period of 24 hours, after the time the test was conducted. The employee will be recorded as "Authorized W", for the 24-hour period after the time the test was conducted. The use of benefit time will not be permitted in this instance. After the 24-hour period the employee will be permitted to return to full duty status.

- D. Drugs – The results of a drug test are not immediately known, therefore, the following procedure should be used during the time between testing and result notification.

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### POST-ACCIDENT, BRIDGE OPERATORS (cont'd)

#### FIRST 72 HOURS AFTER TESTING

1. Pending the receipt of the drug test results, the employee is to remain off duty, with pay. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises.
2. If the test results are anything other than negative, the Medical Review Officer (MRO) will contact the employee directly to obtain additional information relative to the test results.
3. Within 24 hours after testing, the MRO will notify the Bureau of Employee Relations of all negative drug test results. This is to be accomplished by phone and a FAX document, to avoid confusion. The Bureau of Employee Relations will then notify the Drug/Alcohol Testing Coordinator of the results, via telephone.
4. The MRO will notify the Bureau of Employee Relations of all positive drug test results.
5. The Bureau of Employee Relations will notify the Drug/Alcohol Testing Coordinator of any positive drug test results. This is to be accomplished by telephone, maintaining confidentiality.
6. Upon receipt of documentation which substantiates a positive drug test, the Bureau of Employee Relations will schedule a "Loudermill Hearing." Arrangements will be made for a union representative to be present. Failure of the employee to attend the "Loudermill Hearing" will result in the employee being placed on suspension, without pay, pending termination proceedings.

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### **“RANDOM PROCEDURES” DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS**

The intent of this procedure is to clarify how employee testing for drugs and alcohol will be accomplished in conjunction with the provisions of the “Random Selection” portion of the Federally-mandated Drug and Alcohol Testing Program in order to maintain a drug free workplace.

1. Each unit having employees in Bridge Operator titles or those which require a CDL, will submit a list of names of those employees and their assigned work location, to the Drug/Alcohol Testing Coordinator. This list is to be updated immediately each time a change occurs with the addition/deletion of an employee and submitted to the Bureau of Employee Relations.
2. The Drug/Alcohol Testing Coordinator will maintain a current roster of all employees assigned to the division.
3. The Drug/Alcohol Testing Coordinator will act as the regional liaison to the testing company responsible for performing the drug and alcohol tests.
4. On a randomly selected basis, the testing company will contact the Drug/Alcohol Testing Coordinator identifying those test groups which have been randomly selected to be tested and both will agree to dates and times when those test groups will be tested.

Note: In the absence of the Drug/Alcohol Testing Coordinator, the testing company will inform the alternate Drug/Alcohol Testing Coordinator of the groups which have been selected to be tested.

5. The Drug/Alcohol Testing Coordinator and site manager will safeguard the identity of the test groups and test dates in order to prevent any unauthorized person from knowing the information until the date of the test.
6. On the day of, or day prior to the test, the Drug/Alcohol Testing Coordinator will notify the intended site manager and arrange for the site manager to arrive at the intended location 15 minutes before the scheduled test time. Upon arrival at the test site, the site manager will assume control of the location and explain the program and the procedure to all employees to be tested and take attendance.

Note: The position of Area Supervisor, or other authorized supervisor, will be utilized as the site manager. In the instance where the Area Supervisor’s duties are being fulfilled by a Crew Supervisor, the Regional Maintenance Supervisor, Chief Bridge Operator, or other designated supervisor will be designated as the “site manager” and directed to the site.

Employees on loan to a bridge/crew, and who have reported to the site for work with the bridge/crew being tested, are considered to be part of the test group even if they are not listed on the testing company’s roster.

7. The site manager will document the attendance of all employees assigned to the test group and advise the onsite company representative (those doing the tests) that all names designated as part of the test group are accounted for.



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### RANDOM PROCEDURES DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS (Cont'd)

Note: If an employee is designated as part of the test group and is in work that day, that individual must be tested. If an employee is assigned to perform work away from the test site for that day, the employee must return to the site or arrangements must be made to have the employee tested at another location near where the employee is assigned to work for the day. An employee who is on approved benefit time or approved leave is not required to be tested for that designated test.

8. The testing company will perform the required test(s) in accordance with federally-established guidelines.
9. All employees will remain at the test site until released by the testing company without exception. Benefit time will not be granted except in cases of extreme emergency. The following conditions may apply as exceptions:
  - Employee is on sick leave, short-term or extended
  - Employee is on a scheduled vacation day or personal day approved prior to test notification
  - Employee is serving Jury Duty
  - Employee is off premises at an official agency activity (e.g. training)
  - Employee is absent due to a death in the family
  - Employee is no longer employed in a covered title

Should an employee become ill while waiting to be tested, the site manager will arrange with the testing company for the employee to be taken to an authorized medical care facility for treatment and testing. If the employee reports extreme illness, an ambulance should be called. The testing company will dispatch someone to the medical care facility to retrieve a test sample. Employees leaving the test site without authorization will be considered to have refused which will result in termination.

Note: The "shy bladder rule" governs situations in which employees cannot provide a sufficient urine sample. The final rule amends the regulations to provide up to three hours for an employee to drink up to 40 ounces of fluid before making the second attempt to provide a complete specimen. If the employee refuses to drink the fluids or if the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection site person shall discontinue the collection and notify the Bureau of Employee Relations. The employee must receive a medical evaluation to determine the reason why a sample was not possible. The physician doing the evaluation must have expertise in the medical issue (e.g. urology specialists).

10. As employees are released by the testing company, the site manager will direct those employees to work assignments.

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### RANDOM PROCEDURES DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS (Cont'd)

#### **TEST RESULTS**

- A. Alcohol – The test results for alcohol will be available immediately. The testing company representative will advise the Drug/Alcohol Testing Coordinator and site manager.

#### .04 AND HIGHER

1. After informing the Regional Maintenance Engineer (or Bureau Manager), Supervisor of Drawbridge Operations, of a test of .04 or higher, the supervisor will place the employee off duty. The employee will then be scheduled for an appointment at Employee Advisory Service (EAS) through the Bureau of Employee Relations and/or the Drug/Alcohol Coordinator. The employee may not return to work until such time that he/she has been cleared to return to work by the EAS and has passed a return to work drug and/or alcohol test.

Note: An employee may use benefit time. If benefit time is not available, an employee may request a medical leave of absence.

2. If an employee is found to have a breathalyzer reading of .04 or higher, the employee must be removed from the work site. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department should be notified to remove the employee from the premises. The site manager will facilitate these actions.
3. The Bureau of Employee Relations must be contacted, and is responsible for scheduling an appointment with the Employee Advisory Service and a return to work alcohol test.

#### LESS THAN .04

If the vehicle/bridge operator is found to have a breathalyzer reading of less than .04 but greater than .02, the employee will be sent or taken home and not permitted to return for a period of 24 hours after the time the test was conducted. The employee will be recorded as "Authorized W" for the 24-hour period after the time the test was conducted. The use of benefit time will not be permitted in this instance. After the 24-hour period, the employee will be permitted to return to full duty status.

- B. Drugs – The process and requirements are the same as for a .04 or higher alcohol reading, except the employee is required to provide a urine sample. Because the results of drug testing are not immediately known, the following procedure should be used during the time between testing and result notification.

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### RANDOM PROCEDURES DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS (Cont'd)

#### FIRST 72 HOURS AFTER TESTING

1. Pending the receipt of the drug test results, the employee is to remain in full duty status.
2. If the test results are anything other than negative, the Medical Review Officer (MRO) will contact the employee directly to obtain additional information relative to the test results.
3. Within 24 hours after testing, the MRO will notify the Bureau of Employee Relations of all negative drug test results. This is to be done by telephone and a FAX document to avoid confusion.
4. The MRO will notify the Bureau of Employee Relations of all positive drug test results.
5. The Bureau of Employee Relations will notify the Drug/Alcohol Testing Coordinator or designated alternate of any positive drug test results. This is to be accomplished by telephone maintaining confidentiality.
6. Upon receipt of the telephone call from the Bureau of Employee Relations advising of a positive drug test result, the employee will be contacted by the Drug/Alcohol Testing Coordinator and the employee's manager to explain to the employee the procedures with regard to his/her mandated referral to the EAS and a return to work drug screen. The employee will not be allowed to return to work until the employee is cleared by EAS and has been authorized to return to work by the Bureau of Employees Relations. The employee may use benefit time. If benefit time is not available, the employee may request a medical leave of absence.

#### SNOW VOLUNTEERS

Snow volunteer employees will be considered part of the test group during the snow season, after the volunteer passes a "pre-employment" drug test.

1. Volunteers will be randomly drug/alcohol tested each time the assigned work crew is required to test. If the volunteer is working with the assigned crew, he/she will be tested with the group. If the volunteer is not working with the assigned group, the Drug/Alcohol Testing Coordinator must contact the volunteer and arrange for testing that same day. It is incumbent upon the volunteer to notify his/her supervisor. Volunteers tested during the snow season will be subject to random drug/alcohol testing.
2. The Drug/Alcohol Testing Coordinator will notify the volunteer that he/she is required to test and where the individual should report. Volunteers will not be excused from the test unless they are on approved benefit time or approved leave of absence. Failure to report for the test will be considered refusal. Snow volunteers who refuse testing will be removed from the Volunteer Program.
3. Volunteers, who are out of the program for 30 days or more, must be scheduled for a pre-employment drug test. In the instance where a volunteer informs the crew supervisor that he/she will not be available for a period of greater than 30 days, the crew supervisor is to notify the Drug/Alcohol Testing Coordinator who will then arrange for the "pre-employment" drug test.

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### SNOW VOLUNTEERS (cont'd)

4. Volunteers wishing to withdraw from the volunteer program must forward a letter of withdrawal to the Regional Maintenance Engineer prior to being notified of a drug and alcohol test.
5. The Drug/Alcohol Testing Coordinator must notify the testing company of any additions or deletions of volunteers to test groups within two days of the addition or deletion.
6. In the event of a positive test result from a volunteer, the Bureau of Employee Relations will notify the respective agency if the volunteer is other than an N.J.D.O.T. employee. If this volunteer is an N.J.D.O.T. employee, the Bureau of Employee Relations will notify the appropriate manager within the N.J.D.O.T. as to what action to take. The Bureau of Employee Relations will additionally notify the Drug/Alcohol Testing Coordinator of all results.

### TESTING OFF SEASON

If a volunteer's crew is selected during "off season", that volunteer will be required to take a pre-employment drug test when re-entering the winter program. The Drug/Alcohol Testing Coordinator will retain confidential records of volunteers to be tested.

Note: It is the Departments policy that the names of the volunteers shall remain in the random pool throughout the non-winter season.

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### **“RETURN TO DUTY TESTING PROCEDURE” DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS**

The New Jersey Department of Transportation shall ensure that before an employee returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by Section V (B), he/she submits to a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02.

#### **I. OPERATOR/DRIVER RESPONSIBILITY**

Individuals who are given an opportunity for a second alcohol test, as described above, and are still found to have alcohol concentration of .02 or greater but less than .04, shall be subject to disciplinary action.

#### **II. SUPERVISOR RESPONSIBILITY**

The New Jersey Department of Transportation shall ensure that before an employee returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by Section V (B) concerning controlled substances, he/she submits to a return-to-duty drug test resulting in a verified negative result for controlled substances.

#### **III. TEST RESULTS**

Positive results will be communicated from the testing lab to the MRO. The MRO will notify the employee of a positive result. Employer notification will not occur until the employee has been contacted (or all reasonable attempts of contact have occurred). The Bureau of Employee Relations will then notify the Drug/Alcohol Testing Coordinator of positive results.

If the results of the test are positive, the Bureau of Employee Relations will schedule a “Loudermill Hearing” with the employee. Arrangements will be made for a union representative to be present. The hearing is to be held in the Bureau of Employee Relations, with a representative from that office. If the next morning is a non-scheduled workday, the hearing will be held on the morning of the next regular business day. Failure of the employee to attend the “Loudermill Hearing” will result in the employee being placed on suspension, without pay, pending termination proceedings.

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### **“FOLLOW-UP TESTING PROCEDURE” DRUG AND ALCOHOL TESTING PROGRAM FOR BRIDGE OPERATORS AND CDL HOLDERS**

When an employee is permitted to return to duty requiring the performance of safety-sensitive functions, the employee shall be subject to unannounced follow-up alcohol and/or controlled substances tests at least six (6) times in the first 12 months following the return-to-duty. Additional follow-up testing after the first year shall not exceed 60 months from the date of the employee's return-to-duty. The number and frequency of such follow-up testing shall be as directed by a substance abuse professional.

For follow-up scheduling, Employee Relations will contact the Drug/Alcohol Testing Coordinator. He/She will notify appropriate supervision and ensure that the employee reports for testing as required. All employees are to be escorted by supervision.

Positive results will be communicated from the testing lab to the Medical Review Officer (MRO). The MRO will notify the employee of a positive result. Employer notification will not occur until the employee has been contacted (or all reasonable attempts of contact have occurred). The Bureau of Employee Relations will then notify the Drug/Alcohol Coordinator of all positive results.

If the results of the test are positive, the employee must be removed from the work site. If no one can pick the employee up and take the employee home, and if the employee is rational, supervision may take the employee home. However, if the employee is belligerent or argumentative, or supervision feels that the employee is unmanageable, the local police department shall be notified to remove the employee from the premises.

The Bureau of Employee Relations will schedule a “Loudermill Hearing” with the employee. Arrangements will be made for a union representative to be present. The hearing is to be held in the Bureau of Employee Relations, with a representative from that office. If the next morning is a non-scheduled workday, the hearing will be held on the morning of the next regular business day. Failure of the employee to attend the “Loudermill Hearing” will result in the employee being placed on suspension, without pay, pending termination proceedings.