

COUNTY OF OCEAN



DRUG & ALCOHOL FREE WORKPLACE POLICY

EFFECTIVE DATE: July 6, 2011

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I. POLICY STATEMENT

The County of Ocean (County) is firmly committed to providing a drug and alcohol free workplace for all employees. A drug and alcohol free workplace helps to insure the safety of the general public as well as the COUNTY's valuable work force. The program objectives in support of this goal are to prevent drug and alcohol abuse, to assist employees who seek help, to detect drug and alcohol abuse, and to enforce the County's policy. In support of these aims, we have a longstanding policy that prohibits drug or alcohol use or impairment by our employees while they are on Ocean County property, on duty or subject to duty.

This policy, which was first issued in 1995, is shaped largely by federal and state laws and regulations aimed at ensuring a drug and alcohol-free workplace and complying with applicable drug and alcohol testing procedures. To ensure that our policy reflects the most current federal and state regulations, the Ocean County Board of Chosen Freeholders has adopted this Drug- and Alcohol-Free Workplace Policy, effective July 6, 2011, with minor revisions effective January 1, 2018. This policy supercedes all previous policies.

The County also maintains a smoke-free workplace in compliance with the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55.

Law Enforcement employees who work in the Ocean County Sheriff's Department, Corrections Department, and the Prosecutor's Office are also subject to the New Jersey Attorney General's Law Enforcement Drug Testing Policy.

Compliance with the County's Drug- and Alcohol-Free Workplace Policy is a condition of employment and each of us is responsible for ensuring that we are familiar with the policy and its requirements and that we act in accordance with them. **Failure to participate and comply with this policy may be grounds for serious disciplinary action, up to and including termination.**

II. PURPOSE

The County of Ocean provides services for the residents of Ocean County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the public. In keeping with this mission, the County of Ocean declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees. Employees must not report for duty or be on COUNTY property while under the influence of, or have in their possession while on COUNTY property, any prohibited item or substance.

This policy applies to off-site lunch periods or breaks when a covered employee is scheduled to return to work.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT) has published 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The Federal Motor Carrier Safety Administration (FMCSA) of the USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. This policy is also intended to comply with all applicable U.S. Coast Guard ("USCG") regulations, 46 CFR Part 16; 46 CFR Part 4, governing workplace anti-drug and alcohol programs in the maritime industry. The drug test program mandated by the USCG follows procedures established by DOT 49 CFR part 40.

* A copy of the DOT rule 49 CFR Part 40 is located in the County's Employee Relations department.

In adopting this revised substance abuse policy, the COUNTY OF OCEAN does not otherwise waive its right to enforce already established rules, policies, programs, or the terms and provision of any applicable collective bargaining agreement governing drug and alcohol use and/or possession that are consistent with this policy.

Accordingly, the COUNTY OF OCEAN has developed the following drug and alcohol policy.

III. ADMINISTRATION RESPONSIBILITIES

To address questions relevant to the anti-drug and alcohol misuse prevention program, safety sensitive employees and supervisors shall contact program administrator as follows:

Director, Employee Relations Department
Administration Bldg.,
101 Hooper Ave.
Toms River, NJ 08753
(732) 929-2128

IV. DEFINITIONS

Appendix B, Glossary of Terms, defines specific terms governing this policy and is incorporated herein.

V. SCOPE

A. COVERED EMPLOYEES

All full-time, part-time, seasonal, temporary and provisional County employees who perform safety-sensitive functions, and other County employees who do not perform a safety-sensitive function but fall under the policy of the County's own authority, are subject to Drug and Alcohol testing under this policy. Additionally, all full and part-time employees of any company or organization who perform safety-sensitive functions on behalf of or under contract with COUNTY OF OCEAN are subject to drug and alcohol testing under this policy.

Currently the FTA has defined safety-sensitive job functions as follows:

- 1) Operating a revenue service vehicle, including when not in revenue service;
- 2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
- 3) Controlling dispatch or movement of a revenue service vehicle;
- 4) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
- 5) Carrying a firearm for security purposes.

Moreover, the USCG has defined safety-sensitive job functions as follows:

Positions where an individual engaged or employed on a vessel operated by a USCG licensed operator, is required to perform one or more safety sensitive duties on either a routine or emergency only basis. Vessel crewmembers are considered to serve in safety sensitive positions.

Currently the FMCSA has defined employees to be covered under regulation as follows:

- 1) Operating a Commercial Motor Vehicle (CMV) with a gross vehicle weight rating of over 26,000 pounds;
- 2) Operating a CMV designed to transport 16 or more occupants, including driver;
- 3) Operating a vehicle of any size that is used in the transport of hazardous materials that require the vehicle to be placarded.

A list of safety-sensitive positions that perform one or more of the above-mentioned duties is provided in Attachment C, which may be amended from time to time and is

incorporated herein. Any classification that now meets, or will in the future meet, the safety sensitive definition will be determined to be a "covered employee," regardless of whether that classification's title appears in Attachment C.

Supervisors are subject to the provisions of this policy only if they perform, or have the opportunity to perform, a safety sensitive function.

Ocean County does not utilize volunteers to provide Safety Sensitive duties.

Duty to Cooperate

An employee who fails to cooperate in the administration of this policy will be subject to disciplinary action up to and including termination. Failure to cooperate includes:

- Refusing to consent to testing, to submit a sample, or to sign required forms.
- Refusing to cooperate in any way (for example, refusing to courteously and candidly cooperate in any interview or investigation, including any failure to be truthful, misrepresentation or misleading statements or omissions).
- Delaying the collection, testing, or verification process.
- Any form of dishonesty in the investigation or testing process.
- Refusing to test again at a time of the County's choosing whenever any test results in a finding of a dilute sample.
- Testing dilute on any requested retest after an initial dilute result; and
- Failure to accept the referral, to enter into and complete approved education or treatment program, and adhering fully to the recommendations of the professional.

Any covered employee who has a verified positive drug test result, who has violated the alcohol use prohibitions, or who refuses to submit to a drug or alcohol test, will be removed immediately from performing any safety-sensitive function and, in accordance with 49 CFR Part 40 and Subpart O, will be referred to Ocean County's substance abuse professional.

B. PROHIBITED DRUGS

Procedures used to test for the presence of drugs are in accordance with 49 CFR Part 40, as amended, and Part 655, as amended, which currently requires testing of urine specimens for five types of drugs or their metabolites: These five prohibited drugs are marijuana, cocaine, amphetamines, opioids, and phencyclidine.

To learn more about the effects of these and other drugs visit the following sites:

- *Common Drugs of Abuse*. National Institute for Drug Abuse (NIDA) www.nida.nih.gov
- *Substance Abuse*. Substance Abuse and Mental Health Services Administration (SAMHSA) www.workplace.samhsa.gov

- Drug Facts. Office of National Drug Control Policy (ONDCP) www.whitehousedrugpolicy.gov
- Prevention On-line. National Clearinghouse for Alcohol and Drug Information (NCADI) www.health.org

Time of Testing While on Duty

Covered employees are subject to testing for the five prohibited drugs at anytime while on duty. The USCG's and DOT's regulations, along with the FTA and FMCSA, mandate the following types of tests for drugs and alcohol for covered employees:

- 1) Pre-employment (optional for alcohol)
- 2) Random
- 3) Reasonable Suspicion
- 4) Post-Accident or Incident
- 5) Return-to-Duty
- 6) Follow-up

C. PRESCRIPTION MEDICATION

Prescription medicine may be allowed. However, the employee must meet the following minimum standards:

- The medicine is prescribed to the named employee by a licensed physician.
- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of the employee's specific job duties.
- The substance is used at the dosage prescribed or authorized
- If the employee is being treated by more than one physician, the employee must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of the employee's duties.

If an employee is using any prescription drug that might impair the employee's ability to perform work, he/she must inform their Department Head and DER about this possible effect. Before commencing work, the employee must also provide their Department Head and the DER with the name of the prescription and a doctor's authorization to work.

Consistent with federal law, use of another person's prescription medication shall be considered unauthorized use of medication. It is also considered a violation of this policy if there is clinical evidence that an employee is abusing a legitimately prescribed drug.

In addition, if a drug can only be obtained by prescription in the U.S., it is a violation of this policy for an employee to obtain that drug from a foreign country where no prescription is required and use it while working, unless there is a verifiable, legitimated medical explanation.

Failure or refusal by an employee to properly inform the DER or to produce acceptable medical documentation, upon request, may be subject to disciplinary action up to and including termination.

Medical/ Recreational Marijuana

The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(c) does not authorize "medical marijuana" or "recreational marijuana" under a state to be a valid medical explanation for a transportation employee's positive drug test result. Therefore, Medical Review Officers will not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana" or "recreational marijuana". Please note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains a DOT violation for a safety-sensitive employee subject to drug testing under the DOT's drug test regulations to use marijuana.

D. RIGHT TO INSPECT

An employee has no right or expectation of privacy with regard to County vehicle, County property and County equipment. Separate from any DOT and FTA requirements under the independent authorization of Ocean County, when the County of Ocean has reasonable suspicion that an employee is violating this policy, the COUNTY reserves the right, at all times, while on COUNTY premises and property, to conduct reasonable searches and inspections of employees and their personal property and effects, to include but not limited to lunch boxes, purses, briefcases, baggage, offices, desks, clothing and vehicles (including trunks, glove compartments, etc.). Ocean County reserves the right to inspect, investigate, and search for drugs and/or legal substances such as alcohol at any time, with or without prior notice, on or in any Ocean County premises. Employees are expected to cooperate with any investigation regarding this policy. Failure to cooperate, providing false information or omitting information may subject employees to disciplinary action in accordance with all COUNTY personnel policies and all applicable state law.

E. REHABILITATION

Separate from any DOT and FTA requirements, under the independent authorization of Ocean County, the goal of this policy is to balance the County's respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the COUNTY OF OCEAN. Therefore, if an employee has a problem with alcohol or drugs, he/she is strongly encouraged to come forward voluntarily to seek help. In this event, the matter will be kept as confidential as possible, and the employee will be referred to seek appropriate treatment through the County's Employee Assistance Program ("EAP").

Self identification must be made prior to being directed to take a screening test and may only be used once. However, self-identification is NOT an option in the following situations: pre-employment, random, post-accident, reasonable suspicion, return to duty or follow-up testing.

It is a condition of employment for employees to submit to a non-DOT alcohol and/or drug testing as part of a follow-up program for treatment for alcohol and/or drug abuse.

In addition, the accommodations in this section apply only when an employee **voluntarily** comes forward. If an alcohol and/or drug abuse problem is disclosed to COUNTY OF OCEAN only after there has been (1) a random alcohol and/or drug selection, (2) a positive alcohol or drug test, (3) a violation of COUNTY OF OCEAN policy, rule or standard, (4) a violation of law, or (5) a violation of this policy, the COUNTY OF OCEAN will not consider the employee to have voluntarily come forward.

F. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Any employee may voluntarily make use of the current EAP provided through the COUNTY OF OCEAN, for assistance with any personal problems including self-referral for drug and alcohol treatment. This shall be the same program that will be used to assist those affected employees under the alcohol misuse and drug use program. All information will be kept in strict confidence for voluntary self-referrals and the appropriate support and treatment referral will be made to the employee.

The COUNTY OF OCEAN does not make any representation as to insurance coverage for any treatment or rehabilitation program that may be recommended by the SAP.

The County's EAP provider information is listed on Appendix "A" of this Document.

G. PASS A SUBSTANCE ABUSE TEST (TEST NEGATIVE)/FAIL A DRUG ABUSE TEST (TEST POSITIVE)

If the initial testing or confirmation testing, under 49 CFR Part 40 procedures, does not show evidence of the presence of a prohibited drug in the employee's or applicant's system, it will be classified as passing a drug abuse test or having tests rated as negative.

If a confirmation test result shows positive evidence for the presence, under 49 CFR Part 40 procedures, of a prohibited drug, the employee shall be contacted by the MRO. Any covered employee who fails a drug test will be immediately removed from performing safety-sensitive functions and, in accordance with 49 CFR, Part 40, and Subpart O, will be referred to Ocean County's SAP.

H. PASS (TEST NEGATIVE) / FAIL (TEST POSITIVE) AN ALCOHOL TEST

If the initial testing or confirmation testing indicates a Breath Alcohol (BrA) concentration of less than 0.02, it will be classified as passing an alcohol test or having tested as negative. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 655 and Part 382 for safety-sensitive employees. The employee will be immediately removed from safety-sensitive function and will be referred to a SAP.

The tested employee must submit to a confirmation test if the alcohol screening test result indicates a Breath Alcohol (BrAc) concentration of 0.02 or greater. If the confirmation test is lower than 0.02, nothing further is required of the employee. If the alcohol confirmation test result is above 0.02 and below 0.04, the employee will be immediately pulled from duty, and will not be permitted to perform a safety-sensitive function for a minimum period of 8 hours, and up to 24 hours following the screening according to the specific FTA and FMCSA regulation the employee may be covered under.

VI. QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT

A. PROHIBITED CONDUCT

Prohibited conduct by a covered employee as addressed in this policy includes the following:

Manufacture, Trafficking, Possession, and Use

Engaging in the manufacture, distribution, dispensation, possession, or use of prohibited substances on County premises, in County vehicles, in uniform, or while on County business is prohibited conduct. Law enforcement may be notified, as appropriate.

Intoxication/Using Prohibited Substances

Intoxication from, impairment by, or use of a prohibited substance while on County premises, in County vehicles, in uniform, or while performing County business is prohibited conduct. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above minimum thresholds defined in 49 CFR Part 40, as amended.

In addition, it is a violation of this policy if a drug or metabolite of a drug is found through other legally sanctioned procedures (e.g. police department administered testing).

Pre-duty Alcohol Misuse/Prohibitions

Reporting for duty within four hours of using alcohol; remaining on duty while adversely

affected by alcohol or with a blood alcohol concentration of 0.02 or greater; using alcohol while on duty; or using alcohol within eight hours following an accident or until undergoing a post/accident test, whichever occurs first, is prohibited conduct. Covered on-call employees are considered on-duty throughout their specified on-call hours. The consumption of alcohol for the specified on-call hours of each covered employee is prohibited. On-call covered employees shall have: 1) the opportunity to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function; and 2) the requirement to take an alcohol test if the covered employee has acknowledged the use of alcohol but claims ability to perform his or her safety-sensitive function.

In addition, it is a violation of this policy if alcohol is found through other legally sanctioned procedures (e.g. police department administered testing).

Life Consequences of Alcohol Misuse

The chronic consumption of alcohol (average of three servings per day of beer, whiskey, or wine) over time may result in the following life consequences:

- 1) Nutritional deficiencies and sleeping difficulty
- 2) Impaired short-term memory
- 3) Inability to concentrate
- 4) Physical and psychological dependence
- 5) Brain and nervous system damage
- 6) Liver damage
- 7) Digestive problems (gastric ulcer)
- 8) Higher likelihood of stroke, coronary problems and several cancers
- 9) Disease of pancreas and kidneys
- 10) Birth defects in children of heavy drinking women
- 11) Impaired reaction time and motor skills
- 12) Tendency to take unnecessary risks
- 13) Possibility of reacting with anger toward other motorists
- 14) Euphoric high followed by a period of stuporous inactivity
- 15) Impairment in social functioning
- 16) Low frustration tolerance
- 17) Anxiety
- 18) Isolation
- 19) Violent mood swings
- 20) Manipulation of others
- 21) Over-sensitivity

Signs and Symptoms

- 1) Alcohol odor on breath
- 2) Initial stimulation followed by depressed nervous system

- 3) Flushed skin
- 4) Glazed appearance of eyes
- 5) Slowed reaction time
- 6) Confused or slurred speech
- 7) Swayed or staggered gait
- 8) Absenteeism, particularly at the beginning of the week

When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/EAP offered by COUNTY OF OCEAN that addresses mood and family problems as well as substance abuse.

Reporting loss of driving privileges

If a County employee who is required to drive as part of his/her assigned duties has his/her driver's license suspended or revoked, temporarily or permanently, due to an alcohol or drug related offense, the employee must notify his/her Department Head and/or the County's Director of Employee Relations of these circumstances when next reporting to duty. If the employee fails to report the loss of his/her driving privileges to the County as noted above, and it is subsequently discovered that the employee's driver's license has been suspended or revoked, the employee will be subject to appropriate disciplinary action up to and including termination.

Note: County policy requires an employee to immediately report a loss of driving privilege, regardless of the reason, whenever a driver who is required to possess a valid driver's license as a minimum requirement of the employee's job has a license suspended, revoked, or canceled. If the employee fails to inform the County, as noted above, they will be subject to disciplinary action up to and including termination. Such disciplinary action will also apply to any County employee who drives a personal vehicle without a valid driver's license in the performance of their County job duties.

Reporting drug conviction

An employee must notify his/her Department Head, DER, or Director of Employee Relations of any drug statute plea or conviction for a violation occurring in the workplace no later than five (5) days after such a conviction. Failure to give this notice can be grounds for disciplinary action up to and including termination.

Treatment Requirements

Refusal or failure to comply with treatment, after care, or return-to-duty requirements of this policy is prohibited conduct. All covered employees are encouraged to make use of the available resources for treatment for alcohol and substance abuse problems. Under certain circumstances, covered employees may be required to undergo treatment for substance abuse.

Failure to Comply with Testing Requirements

Drug Testing - A refusal to comply with testing requirements constitutes a verified positive drug test result and is prohibited conduct. At a minimum, a covered employee has refused to take a drug test if he or she:

- 1) Fails to appear for any test (except a pre-employment test) within a reasonable time;
- 2) Fails to remain at the testing site until the testing process is complete;
- 3) Fails to provide a urine specimen for any drug test required by 49 CFR Part 40 or DOT/USCG agency regulation;
- 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;
- 5) Fails to provide a sufficient amount of urine when directed, and there was no adequate medical explanation for the failure;
- 6) Fails, or declines, to take a second test the County or collector has directed a covered employee to take;
- 7) A medical review officer verifies adulterated or substituted sample;
- 8) Fails to remain at the scene of an accident without just cause prior to submitting to a test;
- 9) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER;
- 10) Fails to cooperate with any part of the testing process (e.g. refusal to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process);
- 11) Fails to provide adequate breath for alcohol testing, without a valid medical explanation after an individual has received notice of a required breath test.
- 12) In the case of a directly observed or monitored collection in a drug test, failing to follow the observer's instructions to raise your shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer; by turning around, that you do not have prosthetic or other device that could be used to interfere with the collection process.
- 13) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- 14) Failure to sign the certification at Step 2 of the Alcohol Testing Form.
- 15) Admitting to the collector or MRO that you adulterated or substituted the urine specimen.

Alcohol Testing - A refusal to comply with alcohol testing requirements constitutes a verified positive alcohol test result and is prohibited conduct. At a minimum, a covered employee is considered to have refused an alcohol test if he or she:

- 1) Fails to appear for any test (except a pre-employment test) within a reasonable time;
- 2) Fails to remain at the testing site until the testing process is complete;
- 3) Fails to provide an adequate amount of breath for any alcohol test as required;

- 4) Fails to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- 5) Fails to undergo a medical examination or evaluation, as directed by the County as part of the insufficient breath procedures outlined in 49 CFR Part 40;
- 6) Fails to sign the certification at Step 2 of the Alcohol Testing Form; or
- 7) Fails to cooperate with any part of the testing process.

IV. CIRCUMSTANCES FOR CONDUCTING DRUG & ALCOHOL TESTING

Under this Policy, the County of Ocean may conduct pre-employment testing, testing upon reasonable suspicion, post-accident testing, random testing, return to duty, and follow-up testing. All testing for substances under this Policy will entail submission by the tested person to a urine test that is subject to, and in compliance with, the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40, as amended.

A. Pre-employment Testing

All applicants, including any current County employee transferring from a non-safety sensitive position to a safety sensitive position, will be required to submit to and pass a urine drug and alcohol test as a condition of employment.

In accordance with 49 CFR Part 40, each safety sensitive function applicant must consent in writing for the COUNTY OF OCEAN to obtain the applicants drug and alcohol testing records from each previous DOT regulated employer of the applicant for a two year period preceding the date of application for employment with COUNTY OF OCEAN. If an applicant or transfer employee fails to consent, that person will not be hired into a safety sensitive function position. Should a previous employer indicate the applicant or transfer failed or refused a drug and/or alcohol test, he/she must provide the COUNTY OF OCEAN with proof of having successfully completed a referral evaluation and treatment plan designed by a SAP, otherwise that person will not be hired into a safety sensitive function position.

All applicants for a safety-sensitive position will be notified at the time they complete a job application that they will be required to submit to a substance abuse test and alcohol test if they are considered otherwise qualified for employment and that they must agree to abide to the terms and conditions of this policy if they are ultimately hired.

Current employees transferring or being transferred from a non-safety sensitive position to a safety sensitive position must successfully pass a pre-employment substance abuse and alcohol test prior to beginning the safety sensitive function. If a positive result is reported, he/she shall be subject to disciplinary action in compliance with this policy.

No applicant or transferring employee will be permitted to perform the duties of a safety sensitive position with the County of Ocean until the DER or designee has received certification of a negative pre-employment test.

Under the federal guidelines, employees who have not performed a safety sensitive function for 90 consecutive calendar days, and who have not been subject to random testing, shall undergo testing prior to returning to a safety sensitive position. Employees who have returned to work, but are performing duty in a non-safety sensitive function (i.e. modified duty) shall remain in the pool and subject to testing.

B. Post-Accident Testing

Separate from any DOT and FTA requirements, under the independent authorization of Ocean County, post-accident testing for drugs and alcohol is required in the following circumstances:

- All cases involving a fatality
- The employee caused or contributed to the collision, as determined by the County using the best information available at the time of the decision
- A vehicle has been towed from the site of the collision
- Transportation to a medical facility is required for anyone involved in the collision
- As a result of the collision a citation has been issued to the operator of a County vehicle
- A serious marine incident

Drivers involved in an accident that did not result in a serious marine accident, loss of life, a tow, medical treatment away from the scene, or were not given a moving citation may still be tested under the terms of Reasonable Suspicion.

Transportation to the collection site must be provided by a supervisor or other management representative.

Drug testing in post-accident situations shall occur as soon as possible, but no later than 32 hours after the accident.

Alcohol testing shall occur within 2 hours of the accident. If the alcohol test cannot be performed within this time period the reason shall be documented. In no case shall an alcohol test be administered later than 8 hours past the time of the accident and the reason for delay shall be documented.

An individual who has been involved in an accident which requires a post-accident test, shall not consume any alcohol for a period of 8 hours after the occurrence or until such time as the post accident alcohol test has been performed.

Nothing in this section shall delay medical attention for an injured individual following an accident or prohibit an individual from leaving the immediate scene of the accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary medical treatment.

B. 1. Post-Accident Controlled Substances Testing FTA Employees

(Accident definition is located in Appendix B of this policy)

- 1) Fatal Accidents--For safety sensitive employees employed by Ocean County, as defined in Part 655.44 post accident drug and alcohol testing is mandatory following an accident involving the loss of human life on the surviving employees who were operating the mass transit vehicle, as well as any covered employee whose performance may have contributed to the accident, as determined by Ocean County using the best information available at the time of the decision.
- 2) Non-Fatal Accidents--For safety sensitive employees employed by Ocean County, as defined in Part 655.44 post accident drug and alcohol testing is mandatory of all covered employees who were operating the mass transit vehicle, as well as any covered employee whose performance may have contributed to the accident, unless the Ocean County determines their performance can be completely discounted as a contributing factor using the best information available at the time of the decision.
- 3) In the event of an accident occurring as described above, the employee shall be required to remain at the scene or readily available to undergo drug and alcohol testing. Drug and alcohol testing shall not delay necessary medical attention for the injured following an accident or prohibit a covered employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
- 4) Any employee subject to post-accident testing as required by this Section who leaves the scene of an accident before a drug and alcohol test is administered, or fails to remain readily available for testing for up to 32 hours, shall be deemed to have refused to submit to testing. Such a refusal shall be treated by Ocean County in the same manner as if the employee had a positive drug and alcohol test result.
- 5) All drug and alcohol testing required by this Section shall be performed by the Ocean County authorized agent within two (2) hours but no more than thirty-two (32) hours after the time of the accident.
- 6) Additionally, if an alcohol test is not administered within two (2) hours following an accident Ocean County shall prepare and maintain on file a record stating why. If an alcohol test is not conducted within eight (8) hours Ocean County shall prepare and maintain on file a report explaining why a test was not conducted and shall cease attempts to administer an alcohol test. If a drug test is not administered within thirty-two (32) hours following an accident Ocean County shall prepare and maintain on file a record stating why. The time of the accident shall be determined by the hour utilized on the Police Accident Report.

Use of Law Enforcement Post-Accident Testing:

In lieu of administering a post-accident test, the County may substitute a test administered by on-site police or public safety officials under separate authority. The County may substitute a *blood or breath* alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions.

C. Random Controlled Substances Testing

Random drug and/or alcohol testing for safety sensitive employees will be conducted in accordance with the requirements of 49 CFR Part 655.45 and 49 CFR Part 382.305.

Random drug and/or alcohol testing shall be unannounced and unpredictable and spread reasonably through out the calendar year, including holidays and days and hours during which safety-sensitive functions are performed.

The name of each individual who is subject to random testing will be placed into a pool from which the names will be randomly drawn. Each employee shall have an equal chance at selection and shall remain in the pool even after being tested. The basis for random selection shall be by a scientifically valid random number generation method initiated by computer. The COUNTY shall be responsible for the security of all random lists generated.

Safety sensitive employees may be randomly tested for alcohol misuse while performing safety sensitive functions, just before performing safety sensitive functions or, just after performing safety sensitive functions. All safety sensitive employees may be randomly tested for drugs anytime while on duty. Testing will be performed during all hours safety sensitive duties are performed.

When notified of a random test the employee must proceed immediately to the collection site. Immediately means that after notification, all the employee's actions must lead to an immediate specimen collection.

D. Reasonable Suspicion Testing

A reasonable suspicion drug and/or alcohol test determination may be made at any time a properly trained supervisor(s) or other County official(s) observes employee behavior or appearance indicating possible use of controlled substances or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:

- 1) Adequate documentation of unsatisfactory work performance or on-the-job behavior that may be related to alcohol misuse or controlled substance use.
- 2) Observation of physical signs and symptoms consistent with prohibited substance use or alcohol abuse
- 3) Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drug, alcohol, or other prohibited substances
- 4) Occurrence of a serious or potentially serious accident that may have been caused by human error
- 5) Physical or verbal assaults, and/or flagrant disregard or violations of established safety, security, or other operating procedures
- 6) Obtaining information from a reliable and credible source of employee drug or alcohol use

If a required alcohol test is not administered within two hours following the determination, the County shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a required alcohol test is not administered within eight hours following the determination, the County shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

If an alcohol test indicates a concentration of .02 but less than .04, the employee may not be permitted to perform any safety-sensitive functions until at least 24 hours have elapsed following the determination of reasonable suspicion.

The driver tested for alcohol or drugs due to reasonable suspicion shall be prohibited from performing safety sensitive functions until the test results are received from the Medical Review Officer (MRO).

D. 1. Reasonable Suspicion Testing for FTA Safety-Sensitive Employees

Reasonable suspicion alcohol testing is only permissible just before an employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties; and that the observations leading to that testing must be made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with Part 655.

E. Return to Duty Testing

An employee with a verified positive drug test result, an alcohol test result of 0.04 or greater, a refusal to submit to a test, or any other activity violating this policy or State or federal law, may not return to work until the employee is evaluated by a Substance Abuse Professional (SAP), and follows the return-to-duty requirements as recommended by the SAP. The Substance Abuse Professional will determine the employee's needs as to their mandatory participation in an education and/or treatment program and will also determine when or whether the employee has successfully complied with the recommendations for corrective action, and may be ready for a return-to-duty test. To pass the return-to-duty test, the result must be a verified negative drug test and/or an alcohol test result of less than 0.02. A return-to-duty test will be performed only after the employee has had a follow-up evaluation with the SAP, and the SAP has indicated that the employee has successfully followed and/or completed the treatment recommendations and corrective action, and is satisfactorily compliant with them.

All such drug testing will be conducted under directly observed circumstances.

F. Follow-up Testing (After Returning to Duty)

An employee will not be permitted to continue to perform safety-sensitive functions unless follow-up testing is conducted as directed by the SAP. In no case shall the employee take less than six (6) follow-up tests within the first 12 months after returning to the performance of safety-sensitive functions nor shall testing extend more than five (5) years from the time the employee returned to duty.

All such drug tests will be conducted under directly observed circumstances.

VI. DRUG AND ALCOHOL TESTING PROCEDURES

A. Alcohol Testing Procedures

Alcohol testing will be conducted, at an approved and authorized facility, by a qualified breath alcohol technician (BAT) or screening test technician (STT), according to 49 CFR Part 40 procedures. Only products on the conforming products list (approved by the NHTSA and Part 40 requirements) will be utilized for testing under this Policy. The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

When the employee arrives at the testing site, the BAT or STT will ask for identification. The employee may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the employee. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the employee's presence. Then the mouthpiece is inserted into the breath testing device. The employee must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained. Once the test is completed, the BAT must show the employee the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form. If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.

When an alcohol screening device (ASD) is used, the screening test technician (STT) must check the device's expiration date and show it to the employee. A device may not be used after its expiration date.

The STT will open an individually wrapped or sealed package containing the device in front of the employee and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.

If the employee declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the employee's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test.

When the device is removed from the employee's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated. If the procedures listed above can't be successfully completed, the device must be discarded and new test must be conducted using a new device. Again, the employee will be offered the choice of using the new device or having the STT use the device for the test.

If the new test can't be successfully completed, the employee will be directed to immediately take a screening test using an evidential breath testing device (EBT). The result displayed on the device must be read within 15 minutes of the test. The STT must show the employee the device and its reading and enter the result on the ATF (Alcohol Testing Form).

If the reading on the EBT or ASD is less than 0.02, both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to the County's designated employer representative (DER). If the reading on the EBT or ASD is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests. The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the employee not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the employee's presence.

If the results of the confirmation test and screening test are not the same the confirmation test will be used.

Refusal to complete and sign the alcohol testing form or refusal to provide breath or saliva will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.

B. Controlled Substance Testing Procedures

Specimen collection will be conducted in accordance with 49 CFR Part 40, as amended, and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each strictly follow federal chain of custody guidelines.

A collection kit meeting the requirements of Part 40, Appendix A must be used for the drug test.

Only a lab certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by the County. The lab will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

Results: The laboratory must report all test results directly to the County's designated medical review officer (MRO). All test results must be transmitted to the MRO in a timely manner, preferably the same day that the review by the certifying scientist is completed. All results must be reported.

The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternate medical explanations could account for the test results. The MRO must also give the employee who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the DER.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested employee, the MRO shall contact the DER instructing him/her to contact the employee. The DER will arrange for the employee to contact the MRO before going on duty.

The MRO may verify a positive, adulterated, substituted, or invalid drug test without having communicated with the employee about the test results if:

- the employee expressly declines the opportunity to discuss the results of the test;
- neither the MRO or DER has been able to make contact with the employee for 10 days; or
- within 72 hours after a documented contact by the DER instructing the employee to contact the MRO, the driver has not done so.

Split Sample: The MRO must notify each employee who has a positive, adulterated, or substituted, drug test result that he/she has 72 hours to request the test of the split specimen. If the employee requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the results of the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DER and the employee. The employee is responsible for the cost of the retest.

Confidentiality/Recordkeeping

All employee alcohol and controlled substance test records are considered confidential. For the purpose of this Policy, such records will only be disclosed on a need-to-know basis. The County will maintain all drug and alcohol testing records in accordance with 49 CFR Part 40, Subpart P, as amended.

C. COMPLIANCE WITH TESTING PROCEDURES

Anyone with questions regarding this policy should contact the following County representative who functions as Designated Employer Representative (DER) for purposes of implementing and administering this policy:

Director, Employee Relations Department
Administration Bldg.,
101 Hooper Ave.
Toms River, NJ 08753
(732) 929-2128

A copy of the drug and alcohol testing procedures in 49 CFR Part 40 is available for review by contacting the DER or his/her designated representative.

D. BREATH ALCOHOL TECHNICIAN (BAT)

The BAT will perform the functions and meet all the requirements outlined in 49 CFR Part 40. BAT Collection Certification Documentation is maintained on file at the office of COUNTY OF OCEAN's testing collection vendor.

E. SUBSTANCE ABUSE PROFESSIONAL (SAP)

The SAP will perform the functions and meet all the requirements outlined in 49 CFR Part 40. COUNTY OF OCEAN has a formal agreement with the individual to perform SAP services listed on **Appendix "A"** of this document. SAP Certification Documentation is maintained on file at the office of COUNTY OF OCEAN's testing collection vendor.

F. MEDICAL REVIEW OFFICER (MRO)

The MRO will perform the functions and meet all the requirements outlined in 49 CFR Part 40. MRO Certification Documentation is maintained on file at the office of COUNTY OF OCEAN's testing collection vendor.

G. COLLECTION SITE

The COUNTY OF OCEAN has a formal agreement with a licensed vendor to perform collection services listed on **Appendix "A"** of this document to provide a clean and compliant location staffed with trained collection site personnel, for the collection of urine to be drug tested in accordance with 49 CFR Part 40. Urine Collection Certification Documentation is maintained on file at the office of COUNTY OF OCEAN's testing collection vendor.

H. TESTING LABORATORY

In accordance with 49 CFR Part 40, all laboratories testing of urine specimens for prohibited drugs will be performed through a laboratory certified by the Department of Health and Human Services (DHHS)

VII. ADMINISTRATIVE REQUIREMENTS

All safety-sensitive employees of the COUNTY OF OCEAN will receive a copy of this policy and shall be required to sign and date a receipt for it.

A. EMPLOYEE & SUPERVISOR TRAINING

All safety sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use and alcohol misuse including the effects and consequences of such abuse on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug and alcohol use. Employees must be provided with educational materials explaining drug and alcohol regulatory requirements and the County's policies and procedures for meeting regulation requirements.

Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse, to total 120 minutes. Recurrent training for supervisory personnel is not required.

B. ACCESS TO FACILITIES AND RECORDS

The COUNTY OF OCEAN, in accordance with 49 CFR Part 40 Subpart P, will provide limited access and release of drug and alcohol testing records. In accordance with 49 CFR Part 655.73 COUNTY OF OCEAN grants access to facilities and records to the appropriate Transit representative for the purpose of determining compliance with FTA drug and alcohol testing regulations.

THIS DRUG AND ALCOHOL POLICY IS NOT AN EMPLOYMENT CONTRACT OR AN OFFER OF AN EMPLOYMENT CONTRACT.

The County of Ocean may change, alter, or eliminate any or all portions of this policy as it deems appropriate, or as mandated or permitted by applicable laws, and may interpret it in response to any particular circumstance.

Should there be conflicts between Federal regulations and this policy, attributed in part to revisions to the law or changes in interpretations, and when those changes have not been updated or accurately reflected in this policy, the Federal law shall prevail.

An up-to-date copy of the policy is kept in the Department of Employee Relations. Employees may request to see the policy at any time during normal business hours.

**A link to the federal regulations governing the policy is:
http://www.dot.gov/ost/dapc/New_Docs/part40.html**

APPENDIX A
Contact Names and Addresses

A. Designated Employer Representative (DER)

Director, Employee Relations Department
Administration Bldg.,
101 Hooper Ave.
Toms River, NJ 08753
(732) 929-2128

B. Collection-sites

Dynamic Testing Services
230 Main Street
Suite C
Toms River, NJ, 08753
(732) 349-0848

C. Substance Abuse Professional (SAP)

Tracy Kaplan
Preferred Behavioral Health Consulting Group
1500 Route 88 West,
Brick, NJ 08724
732-785-1900
or 1-800-542-0184

D. Employee Assistance Program (EAP)

Preferred Behavioral Health Consulting Group
1500 Route 88 West
Brick, NJ 08724
732-785-1900
or 1-800-542-0184

APPENDIX B

Glossary of Terms

Accident - an occurrence associated with the operation of vehicle, if as a result:

- 1) An individual dies; or
- 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- 3) with respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- 4) With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus or vessel, the mass transit vehicle is removed from operation.

Adulterated Specimen - a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use - the consumption of any beverage, mixture, food or preparation, including any medication containing alcohol.

Alcohol Concentration - expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

Breath Alcohol Technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing Device (EBT).

Canceled Test - is a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A canceled test is neither positive nor negative.

Custody and Control Form - the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is sent to the laboratory for testing thereby destroyed after results have been determined.

Collection Site - a place where safety sensitive employees present themselves for the purpose of providing a urine specimen for a drug test.

Covered Employee - a person, including an applicant or transferee who performs or will perform a safety-sensitive function for COUNTY OF OCEAN, and other employees, applicants, or transferee that will not perform a safety-sensitive function but falls under the policy of the County's own authority.

Designated Employer Representative (DER) - an in-house designated employee representative who coordinates the substance abuse process for COUNTY OF OCEAN. The DER's responsibility is to be familiar with all aspects of the COUNTY OF OCEAN substance abuse policy. In addition, the DER is trained regarding policy, and in accordance with the provisions of 49 CFR Part 655.14, and employee authorized by COUNTY OF OCEAN to take immediate action(s) to remove employees from safety-sensitive duties or cause employees to be removed from these covered duties and to make required decisions in the testing and evaluation processes.

Department of Health and Human Services (DHHS) - the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Department of Transportation (DOT) - Department within the Federal Government that administers regulations requiring drug and alcohol testing which includes the Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, Federal Aviation Administration, US Coast Guard, Pipeline and Hazardous Material Safety Administration.

Dilute Specimen - a specimen with creatinine and specific gravity values that are lower than expected for human urine.

Employee - an individual who performs a safety sensitive function or holds a safety sensitive position, and other individuals that will not perform a safety-sensitive function but falls under the policy of the County's own authority.

Evidential Breath Testing Device (EBT) - an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 concentrations, and placed on NHTSA's "Conforming Products List" (CPL) of Evidential Breath Measurement."

FTA - Federal Transit Administration, an agency of the U.S. Department of Transportation responsible for the administration of transit related programs and funds.

Medical Review Officer (MRO) - a licensed physician responsible for receiving, interpreting, evaluation and reporting drug-testing results.

Negative Dilute - a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Test - a drug test with a result verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol test result with a concentration of less than 0.02 BAC is a negative test result.

Non-Negative Test Result - a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

Positive Drug Test - a drug test result with a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

Prohibited Substances - the consumption of the following drugs and drug metabolites at all times: Marijuana, Cocaine, Opioids, Amphetamines and Phencyclidine (PCP) at levels above the minimum thresholds..

The consumption of any alcoholic substance, beverage, or mixture, including any medication containing alcohol within four (4) hours prior to performing a safety-sensitive duty, while on-call to perform a safety-sensitive duty, while performing a safety sensitive duty or within eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. Alcohol testing for random and reasonable suspicion is only permissible just before and employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

Revenue Service Vehicles - all transit vehicles that are used for passenger transportation service or that require a CDL to operate. Includes all ancillary vehicles used in support of the transit system.

Safety-Sensitive Function - a position that can be potentially dangerous to the health and safety of County employees, property, or members of the general public. Such positions shall include, but not be limited to, all law enforcement and security personnel, persons authorized to carry firearms, and anyone operating, maintaining, repairing or controlling dispatch or movement of a County vehicle or motorized equipment or machinery.

Serious Marine Incident - Any marine casualty or accident required to be reported to the USCG which results in any of the following:

- One or more deaths;
- An injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
- Damage to property in excess of \$100,000;
- Actual or constructive total loss of any self-propelled vessel, not subject to inspections under USCG regulations, of 100 gross tons or more;

- A discharge of oil of 10,000 gallons or more into navigable waters;
- A discharge of reportable quantity of hazardous substance into navigable waters or the environment, whether or not resulting from a marine accident.

Split Specimen Bottle B - a part of the urine specimen that is sent to a first laboratory and retained un-opened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen. *The employee is responsible for the cost of the retest.*

Substance Abuse Professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy) or licensed psychologist, licensed clinical social worker, certified employee assistance professional, licensed marriage and family counselor, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, and with the required DOT qualification training examination, and subsequent certification as a SAP.

Substituted Specimen - A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

Third Party Administrator (TPA) - aa "Service Agent" that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. The TPA performs administrative tasks concerning the operation of the drug and alcohol testing program, adheres to generally accepted standards for administrative services, testing, training, medical review, confidentiality and business ethics and assures that programs are operated in compliance with DOT/FTA, any state or federal regulations, as well as County policies.

Vehicle - means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or ancillary services..

Verified Negative Test - a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (DHHS).

Verified Positive Test - a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels

Validity Testing - evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterant or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

APPENDIX C

List of Safety-Sensitive Positions

Safety-sensitive positions subject to random drug and/or alcohol testing include, but are not limited to, the following classifications:

- CDL License Holders
 - Laborer
 - Equipment Operators
 - Heavy Equipment Operators
- Mechanics (who service and maintain Commercial Motor Vehicles)
- Body & Fender Mechanics
- Mechanic Welder
- Omnibus Operator
- Garage Attendant
- Recycling Operator
- 911 Operators/Telecommunicators
- Dispatcher
- USCG Licensed Captains and Crewmembers

The County reserves the right to amend the list of positions covered by this policy without redrafting the entire policy.

EMPLOYEE ACKNOWLEDGEMENT
COUNTY OF OCEAN DRUG &
ALCOHOL FREE WORKPLACE POLICY

In compliance with the Omnibus Transportation Employee Testing Act of 1991 and the rules mandated by The Federal Highway Administration and the U.S. Department of Transportation, including the DOT's Mandated Random ALCOHOL/DRUG TESTING RULE, I acknowledge that I have received the MANDATED Training and received a copy of Ocean County's Drug and Alcohol Free Workplace Policy.

I understand that testing results and records will be maintained in strict confidentiality by the Department of Employee Relations, the drug testing laboratory and the Medical Review Officer (MRO).

I understand that if I have any questions, regarding the Mandated Policy, I may contact the Department of Employee Relations

EMPLOYEE SIGNATURE _____

DATE _____

EMPLOYEE NAME (PRINTED) _____

EMPLOYEE Social Security Number _____