



Approved as to Form and Legality

Date Adopted

Committee
Health/ Human Services/
Education

December 19, 2018

RESOLUTION AMENDING THE COUNTY OF SALEM OFFICE ON AGING AND DISABILITITES BUS SERVICE 2019 SUBSTANCE ABUSE POLICY FOR SAFETY SENSITIVE EMPLOYEES IN TRANSIT

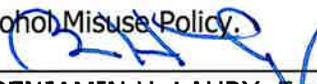
WHEREAS, the Board of Chosen Freeholders adopted a Substance Abuse Policy (Resolution 2017-290) for safety sensitive employees on October 4, 2017; and

WHEREAS, the U.S. Department of Transportation (U.S. DOT) revised its Anti Drug and Alcohol Misuse Policy resulting in the need to update the County of Salem Office on Aging and Disabilities Bus Service Substance Abuse policy for Safety and Sensitive employees in Transit; and

WHEREAS, the Board of Chosen Freeholders of the County of Salem has been given authority to regulate the internal affairs for the county through N.J.S.A. 40:20-1.

NOW THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Salem that:

- 1. The County of Salem hereby amends its Substance Abuse Policy consistent with the U.S. DOT revisions of the Anti Drug and Alcohol Misuse Policy.



BENJAMIN H. LAURY, Freeholder
Chair, Health/ Human Services/ Education Committee

I hereby certify the foregoing to be a true resolution adopted by the Board of Chosen Freeholders of the County of Salem on December 19, 2018.



BRENDA P. BANKS
Clerk of the Board

RECORD OF VOTE

FREEHOLDER	AYE	NAY	ABSTAIN	ABSENT	RESOLUTION MOVED	RESOLUTION SECONDED
L. Ware	✓					✓
C. Hassler	✓					
B. Laury	✓				✓	
S. Griscom	✓					
M. DeCastro	✓					

✓ Indicates Vote

**COUNTY OF SALEM OFFICE ON AGING &
DISABILITIES
BUS SERVICE
SUBSTANCE ABUSE POLICY FOR SAFETY
SENSITIVE EMPLOYEES IN TRANSIT**

EFFECTIVE DATE: 5/07

REVISED: 01/2010

Revised: 07/2010

Revised: 01/25/2012

Revised: 10/1/2017

Adopted by Freeholders October 4, 2017

Revised: Draft January 4, 2018

COUNTY OF SALEM OFFICE ON AGING & DISABILITIES

Drug And Alcohol Testing Workplace Policy

Revised 10/17

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I. POLICY STATEMENT

The County of Salem New Jersey, Board of Chosen Freeholders does hereby endorse Omnibus Transportation Employee Testing Act of 1991 and the rules mandated by the Department of Transportation (DOT), Federal Transit Administration (FTA). COUNTY OF SALEM OFFCE ON AGING & DISABILITIES employees who perform safety sensitive transportation functions, or supervise personnel in safety sensitive transportation functions shall be subject to policies and procedures in accordance with Department of Transportation, 49CFR Part 40 Procedures for Transportation Workplace Drug Testing Programs and 49 CFR Part 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

In an effort to comply with laws, rules and regulations promulgated by Federal Agencies with the authority to do so, as well as to protect affected employees, the Board of Chosen Freeholders for the County of Salem hereby adopts the regulations on July 21, 2010, as set forth in the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES Substance Abuse Policy thereby establishing programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances used by safety-sensitive employees as defined in 49CFR Part 40 and Part 655 as amended. This policy supersedes all previous County of Salem policies prior to July 21, 2010.

II. PURPOSE

Use of drugs and abuse of alcohol is a nationwide problem. Persons of every age, race, sex, and ethnic group are affected. The use of drugs and abuse of alcohol poses risks to the health and safety of the abuser as well as to others. The COUNTY OF SALEM OFFCE ON AGING & DISABILITIES is committed to providing safe and efficient services to its employees and citizenry. The goal of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES is therefore, to provide its employees with a workplace environment, which promotes health and safety. The COUNTY OF SALEM OFFCE ON AGING & DISABILITIES recognizes the need to confront the problems and risks associated with alcohol abuse and drug

use in the workplace. There is also a need to identify work performance problems related to drug use and alcohol abuse so that an employee may have the opportunity to seek treatment and be retained for continued

employment based on satisfactory job performance.

Alcoholism and drug addiction are treatable diseases and the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will assist employees who are willing to follow a prescribed and approved rehabilitative process, in overcoming dependency upon or problems with alcohol or drugs, through referrals to appropriate agencies.

Participation in the prohibited substance testing program is a requirement of each safety-sensitive employee and, therefore, is a condition of employment.

COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will strictly adhere to all standards of confidentiality and assures all employees that testing records and results will be released only to those authorized by FTA rules to receive such information.

All testing under the FTA requirements are conducted in accordance with 49 CFR Part 40: Procedures For Transportation Workplace Drug and Alcohol Testing Programs

*A copy of the DOT rule 49CFR Part 40 is located at the County of Salem Bus Transit.

III. ADMINISTRATION RESPONSIBILITIES

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

A. Compliance Oversight Solutions Ideal ("COSI"), Third Party Administrator ("TPA") on behalf of County of Salem Department of Personnel ("DOP") and Bus Transit.

B. COUNTY OF SALEM OFFICE ON AGING & DISABILITIES Designated Employer Representative ("DER")

Third Party Administrator ("TPA") Compliance Oversight Solutions Ideal ("COSI") and COUNTY OF SALEM OFFICE ON AGING & DISABILITIES DER information is listed on Appendix "A" of this Document.

IV. DEFINITION OF TERMS

The terms listed are consistent with the requirements of 40 CFR Parts 40, 655 and have the following meaning:

Accident--an occurrence associated with the operation of a vehicle is 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 **public transportation** 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 **public transportation** vehicle involved is a rail car, trolley car, trolleybus 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

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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.

Certified Professional Collector (CPC)--trained and certified personnel who instructs and assists employees at a collection site, which receives and makes an initial, inspection of the specimen provided by those employees, and who initiates and completes the CCF.

Chain of Custody--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 the County subject to this policy.

Designated Employer Representative (DER)--an employee authorized by the county 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. The DER also receives test results and other communications for the county.

Department of Personnel (DOP)--this shall mean the County of Salem Department of Personnel.

Department of Health and Humans 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.

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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.

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.

Moving Violation--any violation of State law, which results in the issuance of a police summons, this is directly related to the movement of a vehicle.

National Institute on Drug Abuse (NIDA) -- is part of the National Institutes of Health, the principal biomedical and behavioral research agency of the U.S. Government.

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.

Safety Sensitive Function -- means any of the following duties:

- 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;
- 6) Examples of employees include: Bus Driver, Motorman, Yard Driver, Dispatcher, Starter, Mechanic, and Wheelchair lift repairman, Transit Police Officer, Security Personnel, Wrecker Operator, Snowplow Driver, and Drivers of vehicles carrying over 15 persons.

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.

Substance Abuse Professional (SAP)--a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, state-licensed family therapist, credentialed suitable for becoming a SAP, social worker, employee assistance professional, marriage 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.

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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)--a "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 company 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 adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Volunteer--A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

V. **SCOPE**

A. **COVERED EMPLOYEES**

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Covered Employees- This Policy is applicable to all COUNTY OF SALEM OFFCE ON AGING & DISABILITIES full and part-time safety-sensitive employees 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 the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES are subject to drug and alcohol testing under this policy. Currently the FTA has defined safety-sensitive job function to mean any

of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors:

- 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.

***Recipients of Section 5311 funding who contract with an outside vendor for vehicle maintenance are not required to include those mechanics in a drug and alcohol testing program.**

COUNTY OF SALEM OFFCE ON AGING & DISABILITIES has reviewed all the actual duties performed by employees to determine who performs safety-sensitive functions, and has determined the below listed job titles as performing safety-sensitive duties:

- 1) Driver
- 2) Dispatcher
- 3) Mechanic

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

County of Salem Bus Transit does not utilize volunteers to provide Safety-Sensitive duties.

B. PROHIBITED DRUGS

Federal requirements provide authorization for testing only five drugs. Procedures used to test for the presence of drugs are in accordance with 49CFR Part 40 and Part 655, which requires conducting of urine specimens for five types of drugs or their metabolites; marijuana, cocaine, Opioids, phencyclidine, and amphetamines.

Time of Testing While on Duty

Covered employees are subject to testing for five prohibited drugs at anytime while on duty.

C. PRESCRIPTION MEDICATION

As is the policy of the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES all safety sensitive employees who take an over-the-counter medication or a prescribed drug pursuant to the instruction of a licensed physician, must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his/her personal safety or job performance while at work. If it is reasonably foreseeable that effects of the medication pose a danger to the employee's safety, or the safety of a co-worker or any other person, or otherwise impair the employee's ability to perform his or her job, the employee must inform his/her DER.

He/she shall provide a physician's note which effectually states that the medication does not adversely affect the ability to perform safety sensitive functions. The documentation does not have to state the reason why the employee is being prescribed the medication, but only that the use of the prescribed medication does not affect his/her ability to perform his/her safety-sensitive function. This documentation shall be presented to the employees DER or designee who shall forward same to the DOP. Failure or refusal by an employee to properly inform the DER or to produce acceptable medical documentation, upon request, may result in discipline, up to and including termination of employment.

D. Right to Inspect

Separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES reserves the right to inspect, investigate, and search for controlled substances at any time, with or without prior notice, on or in any and all County premises and vehicles. Therefore, employees should have no expectation of privacy in their personal workstations, lockers or County vehicles. Refusal to cooperate with any

inspection, investigation, or search that is authorized by a County representative shall result in termination of employment. Nevertheless, the County will not conduct any search that violates an employee's Constitutional rights.

E. Rehabilitation

Separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES the goal of this policy is to balance our 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 Salem Bus Transit.

Therefore, the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES strongly encourages an employee with a drug/alcohol abuse problem to Voluntarily step forward to tell the DER.

The COUNTY OF SALEM OFFCE ON AGING & DISABILITIES recognizes the health implications of alcohol abuse and drug use on its employees and considers it a treatable illness. As with other illnesses, the County's primary objective is to assist in the employee's rehabilitation. The COUNTY OF SALEM OFFCE ON AGING & DISABILITIES designed this policy to encourage employees to voluntarily seek help for any substance abuse problems.

An employee may voluntarily admit to the County of Salem Bus Transit, through his or her DER, that he/she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the County will provide the employee with information on where he or she may seek counseling and the individual will immediately enroll himself or herself in a rehabilitation program. The costs of counseling may be covered by the employee's medical insurance. If not, the costs of such outside services are the employee's responsibility.

An unpaid leave of absence will be granted for a reasonable period for treatment. The COUNTY OF SALEM OFFCE ON AGING & DISABILITIES will make every effort to hold the employee's position during the rehabilitation process. The COUNTY OF SALEM OFFCE ON AGING & DISABILITIES will not take disciplinary action against an employee who voluntarily admits having an alcohol or substance abuse problem unless that employee refuses to enroll in and complete a rehabilitation program. Employees who voluntarily enter rehabilitation on more than one occasion, however, shall be subject to disciplinary action up to and including immediate termination. It is a condition of employment for employees to submit to alcohol and/or drug testing as part of a follow-up program for treatment for drug and/or alcohol abuse. The County of Salem Bus Transit does not cover the cost of follow-up alcohol or drug testing.

It is crucial to note that the accommodations in this section apply only when an employee voluntarily comes forward. If a substance abuse problem is disclosed to the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES only after there has been (1) a random alcohol and/or drug selection, (2) a positive alcohol or drug test, (3) a violation of a County policy, rule or standard, (4) a violation of law, or (5) a violation of this policy, the County will not consider the employee to have voluntarily come forward.

D. REFUSAL TO SUBMIT TO TESTING FOR DRUGS AND/OR Alcohol

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In accordance with 40 CFR Part 655 the following are considered a refusal to test if the employee:

- 1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- 2) Fails to remain at the testing site until the testing process is complete;
- 3) Fails to provide a urine specimen or adequate amount of breath for any drug or alcohol test required by 49 CFR Part 40 or DOT agency regulations;
- 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- 5) For an observed collection fails to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- 6) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- 7) Admitting to the collector or MRO that you adulterated or substituted the specimen;
- 8) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- 9) Fails or declines to take a second test the employer or collector has directed you to take;
- 10) 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 as part of the "Shy Bladder" or "Shy Lung" procedures;
- 11) Fails to sign the certification at Step 2 of the Alcohol Test Form;
- 12) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector).

13) If the MRO reports that you have a verified adulterated or substituted test result that test is considered a refusal to test.

If the MRO reports that you have a verified adulterated or substituted test result that test is considered a positive test.

A refusal to be drug and/or alcohol tested is considered a positive test. However, a refusal to take a pre-employment drug test may not be considered a positive test and will be evaluated on a case-by-case basis.

Any covered employee who refuses to submit to a drug or alcohol test will be immediately removed from performing

any safety-sensitive function and in accordance with 49 CFR, Part 40, and Subpart O are referred to Salem County Bus Transit SAP.

E. FAIL A SUBSTANCE ABUSE TEST (TEST POSITIVE)

As stated earlier, a refusal to submit to a drug test is considered a positive test result for that test.

If the 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.

Medical Review Officer (MRO) Responsibility

The designated MRO shall have no connection/conflict with the subcontractor performing the laboratory testing and analysis. The MRO shall be knowledgeable in controlled substance abuse, will have received qualification training in accordance with 49 CFR Part 40.121 and will review all drug test results, to insure test validity.

1) To assure effective and accurate drug test reporting the MRO shall review each Non-Negative test result as reported by the Laboratory and determines whether there is a legitimate medical explanation for a confirmed Positive, adulterated, substituted and invalid drug test result. The MRO will accomplish this by attempting to conduct a medical interview, by

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telephone with any individual that has tested Positive. As this provision requires the cooperation of the individual, should the individual not return the MRO's telephone call within (24) hours after receiving instructions to do so, and/or (72) hours has passed since the DER has contacted the individual the MRO will report after 5 days a test result as verified Positive without any further attempt to contact the individual. A laboratory confirmed positive test can be reevaluated by the MRO if the individual provides documented proof that an illness, injury or other circumstance beyond the control of the individual prevents a timely MRO contact.

2) In the event an individual receives from the MRO notification of a verified positive drug test the MRO at that time of the interview will afford the

individual the opportunity to within 72 hours of the initial interview request a test of the split specimen. The MRO will then proceed to request the Laboratory to forward the split specimen to a second DHHS-certified laboratory for testing. The second DHHS-certified laboratory will test the split specimen for the drug (s)/ drug metabolite (s) detected in the primary specimen and report to the MRO the result of the primary specimen as either Reconfirmed or Failed to Reconfirm. If the split specimens test result is the same (reconfirmed) as the original test it is a positive test. If the split specimen test result failed to reconfirm, the test is cancelled. As a result of a cancelled test the tested employee will be required to provide another specimen under direct observation. The reporting of the split specimen to the DER will usually takes between 7 to 10 business days depending upon the circumstances and the laboratory shipping methods. If the result of the split test is negative, the employee shall be reimbursed.

3) If the MRO reports that an employee tested positive for drugs, that employee will be immediately removed from safety sensitive functions and is subject to disciplinary action outlined in Section G of this policy. In addition the employee will be referred to a Substance Abuse Professional (SAP).

4) If the MRO reports that a negative drug test was

Dilute COUNTY OF SALEM OFFCE ON AGING & DISABILITIES will direct the employee to take another Test immediately. Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation.

Referral To a Substance Abuse Professional (SAP) Role

Any employee who has committed a prohibited activity and/or action as specified by this policy, will in accordance with 49 CFR, Part 40, Subpart O be referred to Salem County's SAP. COUNTY OF SALEM OFFCE ON AGING & DISABILITIES shall not be liable for any expenses involved with the SAP evaluation or the treatment and/or education programs.

- 1) Upon referral, the employee shall be required to abide by the SAP's recommendations for return to duty and follow-up testing.
- 2) Separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES does not cover the cost for utilizing the SAP. In addition, all cost related to subsequent return to duty or follow-up alcohol or drug testing shall be the responsibility of the employee in accordance with this policy.

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

As stated earlier a refusal to submit to an alcohol test is considered a positive test result for that test.

In the event of a Breath Alcohol (BrAc) concentration result of 0.02 or greater the BAT will direct the employee to take a confirmation test. The BAT will ensure that the waiting period lasts at least 15 minutes, but not more than 30 minutes after the completion of the first screening test. If the alcohol 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 removed from safety-sensitive functions and may not resume covered service until the employee's next regularly scheduled duty period, but not less than

eight hours following the administration of the confirmation test.

If the alcohol confirmation test result is 0.04 or greater it is a positive test. The employee will be immediately removed from safety-sensitive function and will be referred to a SAP. The employees will be subject to disciplinary action as outlined in Section G of this policy.

Should the confirmation test result in any alcohol concentration level the employee will immediately be removed from safety sensitive functions and is subject to disciplinary action under the independent authority of the County of Salem Bus Transit as outlined in Section G of this policy.

G. DISCIPLINARY ACTION AS A RESULT OF A POSITIVE TEST

DISCIPLINARY PROCESS

Violations of this policy are subject to disciplinary action up to and including termination.

Separate from any DOT and FTA requirements, under the independent authorization of COUNTY OF SALEM OFFICE ON AGING & DISABILITIES be advised that regardless of alcohol level or refusal to test, the Sheriff's Department will transport the employee to his/her residence preferably in an unmarked vehicle.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES all costs related to testing that furnish negative results will be the responsibility of the County of County of Salem Bus Transit. Whereas, all costs related to testing procedures that provide positive results shall be the responsibility of the employee in accordance with this policy.

ALCOHOL PENALTIES--in accordance with the provisions under the County of Salem Bus Transit's authority as employer the following penalties shall apply:

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1) Positive results are 0.02 but less than 0.04.
Violations of this policy are subject to disciplinary action up to and including termination.

(2) Positive Test at 0.040 or Greater. Violations of this policy are subject to disciplinary action up to and including termination.

Refusal of Alcohol Testing--The penalty for refusing to submit to alcohol testing as required by this policy shall constitute a positive reading of .04.

Violations of this policy are subject to disciplinary action up to and including termination.

CONTROLLED SUBSTANCE PENALTIES-- in accordance with the provisions under the County of Salem Bus Transit's authority as employer the following penalties shall apply:

1) Individuals not yet employed--All job applicants extended a conditional offer of employment for a position with the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. The COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment drug test may initiate another inquiry with the County after a period of no less than six months, but must present themselves drug-free and provide proof of DOT compliance in accordance with 49 CFR Part 40, Subpart O. The County will cover the cost of pre-employment drug testing.

2) Individuals employed-- When the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES has received from the MRO a verified positive

for controlled substance use test result, the employee shall be immediately removed from safety sensitive functions and referred to the County of Salem Bus Transit's SAP for evaluation. He/she must comply with the SAP's assessment and referred treatment recommendations and monitoring and meet the return-to-

duty test requirements of 49 CFR Part 40, Subpart O before the employee may be considered for reinstatement. Violations of this policy are subject to disciplinary action, up to and including termination of employment.

3) If any employee fails to return to work upon the prescribed time or refuses to comply with complete treatment and pay for all subsequent testing, he/she shall be subject to disciplinary action, up to and including termination of employment.

5) The penalty for an employee refusing to submit to a controlled substance test as required by this policy or who fails to comply with the recommended treatment plan shall be the same as a positive test result.

Violations of this policy are subject to disciplinary action up to and including termination.

The employee will be informed of resources available for counseling and treatment of persons with drug abuse problems.

It is a condition of employment for employees to submit to alcohol and/or drug testing as part of a return-to-duty or follow-up program. The County does not cover the cost of return to duty or follow-up alcohol or drug testing. All costs related to subsequent testing procedures shall be the responsibility of the employee in accordance with this policy.

I. PASS A SUBSTANCE ABUSE TEST (TEST NEGATIVE)

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 substance abuse test or having tests rated as negative.

VI. QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT

A. PROHIBITED CONDUCT

Periods of Required Compliance

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All employees who perform safety-sensitive functions for the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES either in a part time or full time capacity will be subject to the provisions of this policy for the entirety of their shift.

Alcohol Possession/Misuse--The following activities and/or actions are a violation of this policy:

- 1) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES it is a violation of this policy for any covered employee to possess alcoholic beverages while on duty.
- 2) It is a violation of this policy for any covered employee to work under the influence of alcohol, including rest and meal periods.
- 3) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Salem County Community Bus Service it is a violation of this policy for any covered employee to test positive for alcohol at or above a Breath Alcohol Level (BRAC) of 0.020L of breath.
- 4) It is a violation of this policy for any covered employee to consume alcohol for the four (4) hours before a scheduled work period.
- 5) It is a violation of this policy for any covered employee to consume alcohol for the eight (8) hours after an accident until a Breath Alcohol Test has been administrated.
- 6) It is a violation of this policy for any covered employee to consume alcohol while on call or stand by.
- 7) It is a violation of this policy for any employee to refuse to take any required alcohol test.
- 8) It is a violation of this policy for any covered employee to refuse to comply with any provision of this policy.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES violations of this policy are subject to disciplinary action up to and including termination.

Controlled Substances Possession--the following activities and/or actions are a violation of this policy:

- 1) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES it is a violation of this policy for any covered employee to possess, sell, trade, offer for sale or engage in illegal use of controlled substance or product containing illegal controlled substances.
- 2) It is a violation of this policy for any covered employee to work under the influence of illegal controlled substances.
- 3) Additionally, separate from any DOT and FTA requirements; under the independent authorization of the Salem County Community Bus Service it is a violation of this policy for any covered employee to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications in employees name only).
- 4) It is a violation of this policy for any covered employee to test positive for illegal controlled substances.
- 5) It is a violation of this policy for any
- 6) covered employee to refuse to take any required drug test.
- 7) It is a violation of this policy for any covered employee to refuse to comply with any provision of this policy.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES violations of this policy are subject to disciplinary action up to and including termination.

VII. TEST REQUIRED

Testing For Presence of Alcohol

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Breath alcohol testing will be conducted in accordance with the regulations specified in 49 CFR Part 40, Subparts J, K, L, M and N. Alcohol screening will be provided utilizing a National Highway Traffic Safety Association (NHTSA) conforming product list (CPL) Evidential Breath Tester (EBT) Device. The breath testing equipment will conform to 49 CFR § 40.229

The COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will test covered employees for alcohol just before, during, or, just after performing a safety sensitive function.

Use of Alcohol

The consumption of any alcoholic substance, beverage, or mixture, including any medication containing alcohol is prohibited 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.

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;

Health: decreased sexual functioning, dependency on alcohol, fatal liver disease, increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma, kidney disease, pancreatitis, spontaneous abortion and neonatal mortality, ulcers, and birth defects.

Work: the effects of alcohol misuse on an individual's work include impairment in coordination and judgment, and increased likelihood of having an accident than that of a sober person.

Personal Life: the effects of alcohol misuse on an individual's personal life include increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide, and greater exposure to other forms of accidents.

Signs and Symptoms: dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or stuporous condition, slowed reaction rate, and slurred speech.

When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/Employee Assistance Program offered by the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES that addresses family problems as well as substance abuse.

A. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Salem County

Community Bus Service any employee may voluntarily make use of the current EAP provided through the County of Salem Bus Transit, 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 and the appropriate referral will be made to assist the employee.

County of Salem does not make any representation as to insurance coverage for any treatment or rehabilitation program that may be recommended by the SAP or MRO.

Employees who enter rehabilitation voluntarily will be entitled to use their accumulated vacation-time and sick time balances if they so choose.

COUNTY OF SALEM OFFICE ON AGING & DISABILITIES EAP provider information is listed on Appendix "A" of this Document.

B. PRE-EMPLOYMENT TESTING

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COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will only conduct pre-employment drug testing.

In accordance with 49CFR Part 40 each safety sensitive function applicant must consent in writing for the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES to obtain the applicants drug and alcohol testing records from each previous employer of the applicant for a two year period preceding the date of application for employment with the County of Salem. 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 County of Salem with proof of having successfully completed a referral, evaluation and treatment plan designed by a SAP.

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

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.

- 1) Prior to the first time that any potential employee performs a safety-sensitive function for the County, he or she shall be subject to a Pre-employment controlled substances test with a verified negative result.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES those persons who undergo a pre-employment controlled substances test in which the verified test results indicate positive use shall not be hired.

- 2) The applicant will be required to provide a second pre-employment specimen under non-observed conditions if the first pre-employment drug test is cancelled due to no fault of the

applicant (e.g. because the bottles leaked in transit or a collection flaw made by the collector).

- 3) Current employees transferring from one position to another with the former not including a safety-sensitive function shall undergo a pre-duty controlled substances test with a verified negative test result prior to beginning the safety sensitive function. If a positive result is reported he/she shall be subject to Section G. of the policy.
- 4) All safety sensitive employees who have been off for a period of 90 consecutive calendar days and removed from the testing pool must successfully pass a pre-employment, drug test prior to returning to work. An applicant, or transferred employee, who has not commenced performing a safety sensitive function within 90 consecutive calendar days of the County of Salem's receipt of a negative test result for that individual, must successfully pass another pre-employment test before performing such safety sensitive function.
- 5) An applicant, or transferred employee, who has not commenced performing a safety sensitive function within 90 consecutive calendar days of the County of Salem Bus Transit receipt of a negative test result for that individual, must successfully pass another pre-employment test before performing such safety sensitive function. Employees may not perform safety sensitive duties until a Verified Negative Drug Test has been received by the employer.

C. Post-Accident Controlled Substances Testing

Accident threshold definition located on page 4 of this policy.

- 1) Fatal Accidents--For safety sensitive employees employed by the County of Salem Bus Transit, 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

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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 the County of Salem using the best information available at the time of the decision.

- 2) Non-Fatal Accidents--For safety sensitive employees employed by the County of Salem Bus Transit, as defined in Part 655.44 post accident drug and alcohol testing is mandatory of all covered employees who were operating the **Public Transportation** vehicle, as well as any covered employee whose performance may have contributed to the accident, unless the County of Salem determines their performance can be completely discounted as a contributing factor using the best information available at the time of the decision.

***Post accident testing that does not meet the FTA Post-accident threshold may take place under the independent authorization of Salem County Office on Aging's Drug and Alcohol Policy however, testing under the authority of**

COUNTY OF SALEM OFFICE ON AGING & DISABILITIES will be performed using

A Non-DOT Custody and Custody form.

- 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 drug

testing. Such a refusal shall be treated by the County of Salem in the same manner as if the employee had a positive controlled substance test result.

5) All drug and alcohol testing required by this Section shall be performed by the County of Salem Bus Transit's authorized agent within two (2) hours but no more than thirty-two (32) hours after the time of the accident. If an alcohol test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and maintain the record. Records shall be submitted to FTA upon request of the Administrator.

6) An employee may be placed on administrative suspension on the authority and discretion of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES pending the results of the drug and alcohol tests. Employees placed on an administrative suspension must be in a position to be easily contacted by the County of Salem Bus Transit once the results of the drug and alcohol tests are received. Employees who cannot be easily contacted, within 72 hours will be considered to have abandoned their job and will be subject to disciplinary action up to and including termination. If the employee tests negative, the employee may return to work in their safety sensitive position and be reimbursed for any regularly assigned work missed.

D. Random Controlled Substances Testing

Random drug and/or alcohol testing for covered employees Will be conducted in accordance with the requirements of 49 CFR Part 655.45.

1) 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 transportation services are in operation.

- 2) Using a statistically valid method, a computer-based random number generator COSI the Salem County Community Bus Service program administrator shall assure that a sufficient number of random drug and alcohol tests equal to the minimum percentage of the total number of covered employees is conducted each calendar year in accordance with 49 CFR Part 655.45. Each covered employee shall have an equal chance of being tested each time selections are made. These rates are subject to annual review and revision by the FTA Administrator. COSI on behalf of the County shall be responsible for the security of all random lists generated.
- 3) 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.
- 4) 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.

E. REASONABLE SUSPICION TESTING

All employees who supervise safety sensitive personnel affected by this policy shall undergo reasonable suspicion training in accordance with Part 655.14 in the signs and symptoms that are associated with drug or alcohol use.

- 1) An employee is required to submit to an alcohol and or drug test when a trained supervisor or other trained company official has reasonable suspicion, based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the

employee, to believe that the employee has engaged in any of the behaviors prohibited by this policy concerning the use of alcohol and/ or drugs.

- 2) Alcohol testing shall be conducted no more than two (2) hours and within (8) hours after the reasonable suspicion determination has been made by the supervisor. Drug testing shall be conducted within thirty-two (32) hours after the reasonable suspicion determination has been made by the trained supervisor or other trained company official. In the event that as required by this section an alcohol test is not administered within eight (8) hours and a drug test is not administered within thirty-two (32) hours following the determination, the DER and the County of Bus Transit shall cease attempts to administer a test and document the reason why the test did not take place.
- 3) Safety sensitive employees are subjected to reasonable suspicion testing 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 are subjected to reasonable suspicion testing for drugs anytime while on duty.
- 4) It is the policy of Salem County Community Bus Service to have a supervisor transport the employee to the appropriate collection site facility and wait for the completion of the collection procedure. The supervisor will then transport the employee back to the County of Bus Transit property, where an individual of the employees' choice will be contacted to transport the employee or the Sheriff's Department will transport the employee to his/her residence preferably in an unmarked vehicle. If the employee refuses to be transported and attempts to operate his/her personal vehicle the County of Bus Transit will make appropriated efforts to

discourage the employee from doing so, up to and including contacting the County of Salem Sheriff's Department. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the County of Bus Transit any employee failing to cooperate with this procedure will be subject to disciplinary action up to and including termination of employment.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the County of Bus Transit all costs related to testing that furnish negative results will be the responsibility of the County of Bus Transit. Whereas, all costs related to testing procedures that provide positive results shall be the responsibility of the employee in accordance with this policy.

- 7) It is the policy of Salem County Community Bus Service that an employee will be placed on an administrative suspension pending the results of the reasonable suspicion tests. Employees placed on an administrative suspension must be in a

position to be easily contacted by the County of Bus Transit once the results of the drug and Alcohol tests are received. Employees who cannot be easily contacted within 72 hours will be considered to have abandoned their job and are separate from any DOT and FTA requirements, under the independent authorization of the County of Bus Transit subject to termination. If the employee tests negative, the employee may return to work in their safety sensitive position and will be reimbursed for any regularly assigned work missed.

F. RETURN TO DUTY TESTING

Where as a safety sensitive employee refuses to submit to a test, has a verified positive drug test, and/or confirmed alcohol test result of 0.04 or greater, the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES before returning the employee

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to a safety sensitive position will follow the procedures outlined in 49 CFR Part 40.

- 1) Where as a safety sensitive employee has had a confirmed Alcohol concentration of 0.020 or less then 0.040, the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES before returning the employee to a safety sensitive position will follow the procedures outlined in 49 CFR Part 40. Under the independent authority of COUNTY OF SALEM OFFCE ON AGING & DISABILITIES return to duty testing will be performed using a Non-DOT Alcohol Test Form.
- 2) Prior to returning to a safety sensitive function, any covered employee who was determined to have engaged in controlled substance and/or alcohol misuse -related conduct prohibited by this policy and/or U.S. Department of Transportation mandate, shall undergo a return-to-duty controlled substance and alcohol test and will be allowed to return only with a verified negative test result. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES all costs related to testing procedures shall be the responsibility of the employee in accordance with this policy.

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

G. FOLLOW-UP TESTING (AFTER RETURNING TO DUTY)

COUNTY OF SALEM OFFCE ON AGING & DISABILITIES will conduct follow-up testing of each employee who returns to duty, as specified in 49 CFR Part 40.

- 1) Any covered employee who has required a referral, evaluation, and/or treatment by a SAP for controlled substance use and/or alcohol misuse shall be subject to unannounced follow-up testing plan as directed by the SAP.
- 2) Follow-up testing for controlled substance use and/or alcohol misuse as required by this Section shall only be performed just before, during, or immediately after performing a safety-sensitive

function. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Salem County Community Bus Service all costs related to testing procedures shall be

the responsibility of the employee in accordance with this policy.

- 3) In no case shall said controlled substance and/or alcohol testing occur less than six (6) times in the first 12 months following the covered employee's return to duty nor shall testing extend more than 5 years from the time he or she returned to duty.

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

VI. DRUG AND ALCOHOL TESTING PROCEDURES

A. COMPLIANCE WITH TESTING PROCEDURES

All drug and alcohol testing procedures in 49 CFR Part 40 applies to all safety sensitive employees of County of Salem Bus Transit. In addition, detailed testing protocols

are documented in the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES Drug and Alcohol Testing Procedure Manual. These documents are available for review at:

County of Salem Bus Transit
350 E. Pittsfield Street
Pennsville, NJ 08070
856-678-8777

B. BREATH ALCOHOL TECHNICIAN (BAT)

The BAT will perform the functions, and meet all the requirements outlined in 49 CFR Part 40. COUNTY OF SALEM OFFCE ON AGING & DISABILITIES has a formal agreement with the Occupational Health Center to perform BAT services listed on **Appendix "A"** of this document.

***BAT Collection Certification Documentation is maintained on file at the office of the County of Salem Bus Transit's Third Party Administrator.**

C. SUBSTANCE ABUSE PROFESSIONAL (SAP)

The SAP will perform the functions and meet all the requirements outlined in 49 CFR Part 40. The County of Salem Bus Transit has a formal agreement with the individual to perform SAP services listed on **Appendix "A"** of this document.

- 1) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES shall not be liable for any expenses involved with the SAP evaluation or the treatment and/or education programs. All costs shall be the responsibility of the employee in accordance with this policy.

***SAP Certification Documentation is maintained on file at the office of the County of Salem Bus Transit's Third Party Administrator.**

D. MEDICAL REVIEW OFFICER (MRO)

The MRO will perform the functions and meet all the requirements outlined in 49 CFR Part 40. The COUNTY OF SALEM OFFICE ON AGING & DISABILITIES has a formal agreement with the individual to perform MRO services listed on **Appendix "A"** of this document.

***MRO Certification Documentation is maintained on file at the office of the County of Salem Bus Transit's Third Party Administrator.**

E. COLLECTION SITE

COUNTY OF SALEM OFFICE ON AGING & DISABILITIES has a formal agreement with the Occupational Health Center 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.

- 1) All collections performed in accordance with 49 CFR Part 40 drug testing regulations will be split specimen collections.

***Collection Certification Documentation is maintained on file at the office of the County of Salem Bus Transit's Third Party Administrator.**

F. TESTING LABORATORY

In accordance with 49 CFR Part 40 all laboratory testing of urine specimens for prohibited drugs will be performed through a laboratory certified by the Department of Health and Human Services (DHHS). COUNTY OF SALEM OFFCE ON AGING & DISABILITIES has a formal agreement with the laboratory to perform drug screen analysis services as listed on **Appendix "A"** of this document.

VII. ADMINISTRATIVE REQUIREMENTS

All safety sensitive employees of COUNTY OF SALEM OFFCE ON AGING & DISABILITIES will receive a copy of this policy and shall be required to sign and date a receipt for it.

A. EMPLOYEE EDUCATION AND TRAINING

In accordance with 49 CFR Part 655 the COUNTY OF SALEM OFFCE ON AGING & DISABILITIES will conduct a comprehensive two part-training program for employees as described below:

- 1) The education component shall include display and distribution to every covered employee of:
informational material and a community service hot-line telephone number for employee assistance.
- 2) Safety sensitive employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

B. Supervisor Reasonable Suspicion Training

- 1) The DER, supervisors and other company officials authorized by COUNTY OF SALEM OFFCE ON AGING &

DISABILITIES to make reasonable suspicion determinations shall receive a minimum of 60 minutes training on the physical, behavioral, and performance indicators of probable drug use and a minimum of 60 minutes training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

2) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Salem County Community Bus Servicethe Union President shall be extended an invitation to one training session.

C. CONFIDENTIALTY AND RETENTION OF RECORDS

County of Salem will maintain all drug and alcohol resting records in accordance with 49 CFR Part 40, Subpart P.

D. ACCESS TO FACILITIES AND RECORDS

COUNTY OF SALEM OFFICE ON AGING & DISABILITIES 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 the COUNTY OF SALEM OFFICE ON AGING & DISABILITIES grants access to facilities and records to the appropriate New Jersey Transit representative for the purpose of determining compliance with FTA drug and alcohol testing regulations.

APPENDIX A

A. Third Party Administrator (TPA)

Compliance Oversight Solutions Ideal (COSI)
257 W. Uwchlan Avenue
Downingtown, Pennsylvania 19335
(800) 948-0294
(800) 408-5719 (Fax)

B. Designated Employer Representative (DER)

Steven Schlick
County of Salem Bus Transit
350 E. Pittsfield Street

Pennsville, New Jersey 08070
(856) 678-8777
(856) 678-7160 (Fax)

C. Collection-sites

WorkNet Occupational Medicine
Swedesboro, NJ 08085
(856) 467-8550
(856) 467-3361 (Fax)

D. Breath Alcohol Technician (BAT)

WorkNet Occupational Medicine
Swedesboro, NJ 08085
(856) 467-8550
(856) 467-3361 (Fax)

E. DHHS approved laboratory

Quest Diagnostics
400 Egypt Rd.
Norristown, Pennsylvania 19403
(800) 877-7484

F. Medical Review Officer (MRO)

Martin Pieretti, DO
Secure Results
1432 Easton Road, Suite 3C
Warrington, Pennsylvania
(215) 343-8300
(888) 900-8379 (Fax)

G. Substance Abuse Professional (SAP)

Quantum Health Solutions, Inc.
Anthony Riccio
14 Park Lake Road
Sparta, NJ 07871
(877) 747-1200 (Toll Free)

(973) 300-4800

H. Employee Assistance Program (EAP)

Quantum Health Solutions, Inc.
Anthony Riccio
14 Park Lake Road
Sparta, NJ 07871
(877) 747-1200 (Toll Free)
(973) 300-4800

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FTA CERTIFICATE OF RECEIPT AND REVIEW OF DRUG FREE WORKPLACE POLICY

**SALEM COUNTY OFFICE ON AGING
FTA CERTIFICATE OF
RECEIPT AND REVIEW OF DRUG FREE WORKPLACE POLICY**

SECTION I: TO BE COMPLETED BY APPLICANT

In accordance with 49 CFR §655.16 as amended you as the an applicant seeking to begin performing safety-sensitive duties for the first time with *Salem County Office on Aging* must sign a statement certifying receipt of a copy of the *Salem County Office on Aging* Drug Free Workplace Policy and educational materials. This certificate acknowledges that I, have received and reviewed the *Salem County Office on Aging's* policy, which includes the following information promulgated by DOT 49 CFR §655.16.

CHECK ALL THAT APPLY

- Identity of the person designated by the employer to answer employee questions about the materials;
- Categories of drivers who are subject to provisions of this part;
- Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to comply with this part;
- Specific information concerning driver conduct that is prohibited by this part;
- Circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing;
- Procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions;
- Requirement that a driver submit to alcohol and controlled substances tests administered on accordance with this part;
- Explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and attendant consequences;
- Consequences for drivers found to have violated this subpart, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under Part 40, Subpart O of this title;
- Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life: signs and symptoms of an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.
- I understand the requirements of the *Salem County Office on Aging's* Drug Free Workplace Policy and agree to comply with all of its requirements.
- I acknowledge that the misuse of alcohol and controlled substances is in violation of this Policy and if in violation that I am subject to disciplinary action up to and including termination.
- I hereby confirm receipt of a copy of the *Salem County Office on Aging's* Drug Free Workplace Policy.

Employee's Name: _____ Employee Signature: _____
Employee's Social Security Number: _____ Date: _____

DER Name: _____ DER Signature: _____

Date: _____ Department: _____

