

**PLAINSBORO TOWNSHIP BOARD of FIRE COMMISSIONERS
FIRE DISTRICT No. 1**

**APPENDIX A
DRUG TESTING PROCEDURES**

Section 1. - Introduction This procedure is written and promulgated to be used in conjunction with existing procedure, rules and regulations governing the general conduct, duties and responsibilities of firefighters. The policy takes cognizance of the rights inherent in each individual under the Constitution of the United States of America and the Constitution of the State of New Jersey.

This procedure is established to help combat the national epidemic in the illicit use of drugs and to combat illegal trafficking in drugs. It is adopted to rationally foster the efficient operation of the Fire District and to establish a reasonable and uniform system by which the Fire District can monitor its firefighters for unauthorized drug use. This procedure is necessary to preserve and protect the integrity of the Fire District and its firefighters; to guard against the harmful consequences to the public good occasioned by the unauthorized, unlawful use of, or the illegal trafficking in illicit drugs by personnel, and to preserve and maintain a high degree of public confidence in all those charged with maintaining public and fire safety.

It is a violation of this Policy for any firefighter to possess, manufacture, sell, trade, or offer for sale alcohol or illegal drugs or otherwise engage in the consumption of alcohol or illegal use of drugs on the Fire District's premises, in Fire District vehicles or while operating fire apparatus, while on Fire District business or during working hours.

It is a violation of this Policy for any firefighter to report to work under the influence of or exhibit signs of consumption of alcohol, illegal drugs or illegally used prescription drugs. (Nothing in this Policy, however, precludes the appropriate use of legally prescribed medications).

Violators of this Policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should

encourage anyone who may have an alcohol or drug problem to seek help.

Section 2. - Statement of Purpose This procedure is intended to establish a uniform procedure to govern the administration of a screening process to test and control unauthorized use of illicit drugs and alcohol abuse among firefighters. The Board of Fire Commissioners Plainsboro Township Fire District No.1- ("the Fire District") is seeking to test for drugs which have a high potential for abuse, have no medical use in treatment and for which there is no safe protocol for medical use.

Section 3. - Notice Period Sixty (60) days prior to the implementation of the testing program, firefighters will be notified that testing for use of illegal drugs or alcohol will be conducted

Section 4. - Methods of Implementation The Fire District hereby establish five (5) base methods of implementing this procedure to identify personnel who are users of certain controlled substances:

- A. Vehicular accident –a firefighter, while driving on duty, is involved in vehicular accident;
- B. Reasonable suspicion that a particular firefighter is under the influence of or impaired by illegal drugs or alcohol;
- C. Random screening procedure.
- D. Pre-employment drug testing.
- E. As part of a follow up program for treatment of drug abuse.

Section 5. – Selection Process At the time of the test the firefighter will be notified of the specific drugs which will be screened by the test. Prior to the submission of a urine sample, the firefighter shall complete a medical questionnaire which shall clearly describe all drugs, both prescription and non-prescription, ingested during the past thirty (30) days.

- A. Reasonable Suspicion Testing. The firefighter may be required to submit to a reasonable suspicion drug or alcohol test when a trained supervisor has a reasonable suspicion that the firefighter is currently under the influence of a prohibited drug or is currently under the influence of alcohol. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous,

clear observations concerning the appearance, behavior, speech, or body odor of the person. The following are examples of behaviors may constitute reasonable suspicion. They are not intended to provide an exhaustive list of observations for reasonable suspicion testing.

1. slurred speech
2. alcohol odor on breath
3. irregular gait
4. unsteady walking or movement
5. an accident involving the employee, Fire District property or equipment where the cause may be symptomatic of suspected use of alcohol or drugs
6. physical altercation
7. verbal altercation
8. deviation from mental health norms
9. possession of alcohol or drugs

- B. Random Drug Screening. Random selection is defined as a method of selection in every eligible firefighter has an equal chance to be selected for drug testing each and every time a selection is made.

Section 6. – Pre-Employment Drug Testing All job applicants extended a conditional offer of employment for the position of firefighter with the District 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 District will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. The District will cover the cost of pre-employment drug testing.

Section 7. - Sample Collection The medical or laboratory technician shall supervise all aspects of obtaining, marking and packaging of individual urine samples including the following:

- A. To assure the cooperation of the firefighter in securing the urine sample from the firefighter in the necessary amount into the test container. Also, to oversee the securing and sealing of the individual urine sample containers of each firefighter;
- B. The accurate matching of the identification of the firefighter with the sample and the containers including the seals and any packaging of the sample containers; and
- C. The exact completion and execution of the required legal documentation of chain-

of-custody including appropriate identification and certification of medical or technical personnel participating in obtaining the urine sample from the firefighter and by bonded courier if so employed;

- D. If necessary, to arrange for transport of the specimen by designated bonded courier to the testing laboratory if located elsewhere;
- E. All other steps necessary for the purpose of maintaining absolute control and legal accountability from initial notification of the firefighter to the final marking, sealing, packaging and transport arrangements for the urine samples to the testing laboratory together with the accompanying chain-of-custody documents, and the strict maintenance and final delivery of accurate documents relating to the test to the Fire District.

Section 8. - Test Sites Urine samples will be taken at an approved medical laboratory selected by the Fire District for this purpose.¹ The testing facility must provide a clean and sanitary location for the urine-sampling process including washing facilities. It must also provide a competent person qualified in the practice of sterile urine-sampling. The person will be required to obtain from selected firefighters urine samples in the required quantity, in proper receptacles for purposes of laboratory urinalysis for controlled substances, and to arrange for marking, sealing, packaging, storage and final delivery of such specimens to the testing laboratory.

The sample will be given in private, under the general supervision of a medical or laboratory technician unless there is reasonable suspicion that the firefighter has tampered with a sample in the past or will tamper with this sample. Only in such cases will the giving of the sample be directly supervised. The firefighter will have the option to simultaneously request an additional urine specimen be sent to an approved laboratory of the firefighter's or bargaining unit's own choosing and expense. This second sample will only be tested in the event of a positive test result for drugs in the initial test. A positive test result in the initial samples and a negative test result in the second sample shall be deemed a negative test result.

¹ The approved testing facility will be in compliance with the guidelines promulgated by the Department of Health and Human Services, Federal Work Place Drug Testing Program and Federal and State law and regulation.

Section 9. – Testing Process The Fire District will advise the testing laboratory of certain specific drugs for which the specimen is to be analyzed. The testing laboratory will report findings only as to those specific substances contained in the Fire District’s request.

The Laboratory's drug testing procedures will screen specimens for the following controlled substances at the cut-off levels indicated:

1. Amphetamine / methamphetamine. . 300 ng/ml
2. Barbiturates 300 ng/ml
3. Benzodiazepine 300 ng/ml
4. Cannabinoids (marijuana) 20 ng/ml
5. Cocaine 300 ng/ml
6. Methadone 300 ng/ml
7. Opiates (heroin) 300 ng/ml
8. Phencyclidine 75 ng/ml

The drug-specific screening process will consist of two tests.

The initial test of each urine sample shall employ a methodology different from the secondary confirmation test. The initial test will be a Fluorescence Polarization Immunoassay Technology (FPIA) test. Analysis for the eight substances listed above. A secondary confirmation test of any positive findings of specific drugs will be accomplished by the gas chromatography/mass spectrophotometry test. (GCMS) or other type of test determined by the Fire District.

The testing laboratory will make provision to properly preserve, store and secure one aliquot of the original urine specimen. Also, the testing laboratory will make available to the firefighter or his representative all records of primary and secondary confirmation testing done by the testing laboratory on the urine specimen provided by the firefighter.

Section 10. - Chain-of Custody The testing laboratory contracted by the Fire District to test urine specimens under this procedure must continue the uninterrupted chain-of-custody procedure from receipt of specimens and maintain internal chain-of-custody procedures which establish fundamental accountability and reliability of testing from a legal viewpoint at each stage in the

handling, testing, and storing of specimens and reporting of test results.

Results of the test will be sealed and forwarded only to the Board of Fire Commissioners or their designee, the firefighter and the bargaining unit representative.

Section 11. - Prescription Drugs and Over- the-Counter-Medications No prescription drug should be used by any person other than the individual to whom it is prescribed. Prescribed drugs and over-the-counter drugs should be used only as prescribed or indicated. Firefighters are prohibited from consuming prescription drugs that are not prescribed in their name on Fire District property or while performing firefighter responsibilities or functions. Soliciting or distributing prescription drugs for or to other firefighters or any other persons is also strictly prohibited.

If a firefighter takes an over-the-counter medication or a prescribed drug, the firefighter must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his or her personal safety or job performance while at work. If the effects of the medication could pose a danger to the firefighter's safety, or the safety of a co-worker or any other person, or otherwise impair the firefighter's ability to perform his or her job, the firefighter must inform (for volunteers) the Fire Chief or (for paid staff) the Dayshift Lieutenant and Commissioner in Charge of Personnel. The Fire Chief, Dayshift Lieutenant, and Commissioner in Charge of Personnel are required to maintain the confidentiality of any information regarding a firefighter's medical condition.

The Fire Chief, Dayshift Lieutenant, and/or Commissioner in Charge of Personnel may require the firefighter to produce acceptable medical documentation of the firefighter's ability to safely and properly perform all of his/her job duties. Failure or refusal by a firefighter to properly inform the appropriate party/parties or to produce acceptable medical documentation, upon request, may result in discipline, up to and including termination of employment.

Section 12. - General Requirements and Procedures for Alcohol Testing

- A. Firefighters will be required to sign appropriate forms before testing. An individual who refuses to submit to testing under this policy will be requested to sign a "Refusal Form"
- Firefighters are required to submit to alcohol testing under the following circumstances:
1. When an employee is involved in an on-the-job accident where personal injury or damage to property or equipment occurs where the cause may be symptomatic of suspected use of alcohol;
 2. Where there is reasonable suspicion to believe that an employee is under the influence of alcohol;
 3. As part of a follow-up program for treatment of alcohol abuse.
- B. The Breathalyzer test will be the method for measuring the level of alcohol present in an individual. The initial sample and confirmation sample will be collected using an evidential breath-testing device (EBT), which is approved by the National Highway Traffic Safety Administration 10 (NHTSA) and the New Jersey State Police. It is understood and agreed that the test shall not be performed by any Fire District or Plainsboro Township employee.
- C. A trained breath alcohol technician (BAT) who is "trained to proficiency" in the operation of the evidential breath-testing device (EBT) that he or she is using and the alcohol testing procedures will perform all screening tests.
- D. A breath alcohol concentration of less than 0.04 will be considered negative and no further testing is required. A breath alcohol concentration of 0.04 or greater will be considered positive and the employee will be suspended from employment immediately and subject to disciplinary action
- E. Those subjected to testing will be identified upon arrival at the collection facility by photo identification. Testing will not proceed without verification of the identity of the donor. Before testing, the individual will be given a copy of the sample collection procedures. . The Vendor's site personnel will be responsible for ensuring that all required forms have been thoroughly and accurately completed by the donor.

- F. The alcohol screening and specimen acquisition procedures will be collected and processed using equipment, supplies, and procedures approved by the National Highway Traffic Safety Administration (NHTSA).

Section 13. - Confirmation Testing for Alcohol Concentration

- A. If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation EBT test will be conducted. The confirmation EBT test must be conducted at least 15 minutes after, but not more than 30 minutes after the completion of the initial test.
- B. Before the confirmation test is administered, the BAT will conduct an air blank on the EBT. An air blank is a test of ambient air containing no alcohol to ensure that the EBT is properly calibrated. If the reading is greater than 0.00, the BAT shall conduct one more air blank. If the second air blank reading is greater than 0.00, the EBT must not be used to conduct the test.
- C. The confirmation test is conducted using the same procedure as the EBT screening test. A new mouthpiece must be used if the screening test was conducted on the EBT.
- D. If the initial and confirmatory test results are not identical, the lower number shall prevail.
- E. If the result displayed on the EBT is not the same as that on the printed form, the test will be cancelled, and the EBT removed from service. If the test is cancelled, the subject will be re-tested.
- F. The BAT will sign and date the form. The employee will sign and date the certification statement, which includes a notice that the employee is prohibited from returning to his or her duties if the results are 0.04 or greater. If the employee's alcohol concentration is above 0.02 but less than 0.04, the employee will be taken off of line duty and subject to additional testing during the remainder of the employee's shift.
- G.

Section 14. Refusal to Test Any firefighter who refuses to comply with a request for alcohol

and/or drug testing shall be considered as having produced a positive test result and will be discharged. Any firefighter who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated. If the testing laboratory or facility detects that a substance has been added to the sample to interfere with the normal testing process, the firefighter will be deemed to have refused to test and the same sanctions will apply.

Section 15. - Personnel Action

- A. The Fire District shall address disciplinary action, up to and including termination, with regard to any firefighter who violates this Policy
- B. Drug testing shall not be conducted for the purpose of gathering evidence for use in criminal proceedings.

Section 16. - Drug Testing Advisory Committee There shall be a Drug-Testing Advisory Committee appointed by the Fire District which shall meet from time-to-time to advise the Fire District on procedural and technical matters pertinent to the drug-testing program established by this procedure.

The members of the Committee shall be volunteers, paid staff, commissioners, and physicians or other licensed health care providers as determined upon mutual agreement between the Union and the Fire District.

The Committee shall offer recommendations to the Fire District on the procedures and mechanics of conducting a drug-testing program and on the science of drug testing with a view to maintaining fairness, objectivity, accuracy and confidentiality in the entire drug-testing program. Also, the Committee shall make recommendations on the following:

- A. Changes and improvements in science and technology which will improve the effectiveness of laboratory testing for the detection of drug abuse among firefighters;
- B. Appropriate external proficiency-testing and internal quality assurance procedures for evaluating the performance of drug-testing laboratories;
- C. Procedures for the certification, decertification, and recertification of laboratories of

drug analysis;

- D. Make recommendations to improve the effectiveness of the drug testing program.

Section 17. – Reservation The Fire District reserves the right to add additional drugs to be tested with sixty (60) notice to the bargaining unit and Fire Company.