

BERGEN

COMMUNITY COLLEGE

No. Section B:BD:BDA
Date: March 5, 2008

G. Jeremiah Ryan
President

Administrative Guidelines, Regulations, and Procedures

SUBJECT: DRUG TESTING

The College, in furtherance of its duty to provide a safe learning and working environment for all members of the campus community as outlined more fully in the Drug Free Workplace Policy, has developed the following procedures for drug testing and breath alcohol testing (hereinafter referred to as "testing").

1. Individuals Subject to Testing

- a. Testing of Applicants/Probationary Employees in Safety Sensitive Positions
 - i. Individuals offered employment by the College in safety-sensitive positions are subject to drug testing as part of the pre-employment process. Employees in safety sensitive positions who serve a probationary period, with the exception of tenure-track faculty, are subject to testing throughout their probationary period.
 - ii. Safety sensitive positions include: Public Safety Officers, any staff member working in the Child Development Center, any College employee in a clinical setting, any employee who administers or dispenses medication as part of his or job duties, and any employee who is required to operate a motorized vehicle in the performance of his or her job duties.
 - iii. Applicants will be notified of the College's drug and alcohol testing policy prior to being tested; will be informed in writing of their right to refuse to undergo such testing; and will be informed that the consequence of refusal is termination of the pre-employment process. Applicants will be provided written notice of this policy and by signature will be required to acknowledge receipt and understanding of the policy. If an applicant refuses to take a drug or alcohol test, the College will terminate the employment process.

b. Reasonable Suspicion Testing

The College will undertake reasonable suspicion testing when there is reasonable suspicion to believe an employee is engaged in the illegal use of controlled substances.

The following factors will be evaluated to determine the quality and relevance of information acquired:

- i. The nature and source of the information;
- ii. Whether the information constitutes direct evidence or is hearsay in nature;
- iii. The reliability of the source;
- iv. Whether corroborating information exists and the degree to which it corroborates the suspicion that the employee is acting under the influence of alcohol or drugs.

The employee's supervisor shall make a written report documenting the basis for the test to the Executive Vice President or his designee. If, after consultation with the supervisor and the College nurse, the Executive Vice President or his designee determines that there is a reasonable suspicion, the College shall arrange to have the employee driven to a testing center selected by the College and tested. The employee's union representative shall be invited to attend any meeting held with the employee, however, such meeting shall be held, with or without the union representative, not later than one hour after such notification to the union representative is given.

c. Post Accident Testing

Any employee involved in an accident involving the employee's use of any vehicle or major equipment under the College's control will be subject to testing as close to the time of the accident as practicable regardless of whether or not the accident results in injury or harm to person or property, provided that the employee exhibits behavior or appearance that would reasonably create a suspicion of drug use. The reasonable suspicion steps defined in Paragraph 1.b. shall be followed, although the initial assessment may be made by any Public Safety supervisor.

d. Return to Duty/Follow Up Testing

An employee who has a positive test result and has satisfactorily met the College's conditions for return to work will be subject to testing prior to returning to work and will be subject to testing at the discretion of the College for up to five years from the date of return to work.

2. Drug Testing Procedures

- a. Drug testing shall be performed by a certified provider of the College's choice and shall be at the College's expense. The testing will be based on a urine sample provided by the employee or applicant at the site. The test will screen for the presence of the following classes of drugs: Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids (THC, Marijuana), Cocaine, Methadone, Methaqualone, Opiates (e.g. Codeine, Morphine, Heroin, Oxycodone, Vidcodin), Phencyclidine (PCP), Propoxyphene. Employees shall be driven to the testing site in a College vehicle and may be accompanied to the site by a union representative.
- b. Prior to the test the employee or applicant shall have the opportunity to disclose any prescription medications, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements taken by the employee to personnel at the

testing site. Pending receipt of the results of the drug test the employee shall be placed on leave with pay by the College.

- c. If the results of the drug test are positive, the employee or applicant may elect, at his or her own expense, to have a second test of the split sample conducted. Results of the second test, after having been reviewed by the testing site's medical review officer, will be disclosed to the Executive Vice President or designee. Should the test of the split sample be negative, the College shall reimburse the employee the amount paid to the testing site for the test of the split sample. Additionally, the employee shall be paid for any days she was on suspension without pay as a result of the initial positive test result.
- d. All records associated with drug testing of employees will be considered confidential and will be maintained with the employee's confidential medical records.
- e. Pre-employment tests will be arranged for candidates by the College's Human Resources Department and candidates must report to the site selected by the College for their drug test. Failure to report for a scheduled drug test shall automatically result in the rescinding of the College's offer of employment.

3. Implementation

- a. The procedures set forth above shall go into not less than 60 days after the College distributes copies of these procedures to all employees. The College encourages employees who are using illegal drugs to take any steps necessary to discontinue such use in this period prior to the Policy's effective date. To this end the College encourages employees to contact the Employee Assistance Program for an assessment and, if warranted, a referral.
- b. All employees will receive written notification of the Drug Free Workplace Policy and the Drug Testing Procedures and must deliver to the College a signed statement indicating that they have received and reviewed the documents.

4. Supervisory Training

- a. All supervisors shall attend training on maintaining a drug free workplace, to be provided by the college, including training on detecting the signs and behaviors exhibited by employees who may be using drugs or alcohol in violation of this policy.

5. Discipline

- a. Employees for whom the College receives a positive drug test result shall be suspended without pay until such time that a hearing is completed.
- b. Any employee who refuses to undergo a drug test shall be deemed to have received a positive test result and shall be disciplined accordingly.