



Drug & Alcohol Testing for All Employees

Frequently Asked Question

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Our town is considering motor vehicle record verification and alcohol / drug testing for non-CDL employees and volunteers who operate city owned vehicles. Is there a sample policy to consider?

Motor Vehicle Records (MVRs) should be checked annually for all employees who regularly operate motor vehicles on behalf of the public entity. Even if they use their own personal vehicles, a public agency can have an exposure under "Non-Owned". The MEL provides a model *Personnel Policies and Procedure Manual* on their website, www.njmel.org. It is available under the *Local Officials* tab by selecting the *Employment Practices* option in the drop-down menu.

SAMPLE Driver's License Policy:

- Any employee whose work requires that the operation of (Local Unit Type) vehicles must hold a valid Driver's License.
- All new employees who will be assigned work entailing the operating of a (Local Unit Type) vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.
- Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors.
- Any employee who does not hold a valid driver's license will not be allowed to operate a (Local Unit Type) vehicle until such time as a valid license is obtained.
- Any employee performing work which requires the operation of a (Local Unit Type) vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a (Local Unit Type) vehicle shall be subject to possible termination.
- Any information obtained by the (Local Unit Type) in accordance with this section shall be used by the (Local Unit Type) only for carrying out its lawful functions and for other lawful purposes as per the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.)

Drug tests in the United States can be divided into two general groups, federal mandated and general workplace. Some types of drivers MUST be drug tested, but many employers conduct random testing of all employees.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, please contact your Safety Director at 877.398.3046.

The drug testing cannot be discriminatory and must be random. Employers may use an outside service to ensure testing is unbiased and confidential.

SAMPLE Drugs and Alcohol Policy:

The (local unit type) recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the (CEO title).

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on (Local unit type) premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify (CEO title, personnel administrator, or other designee of the local unit) who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. (Local unit type) personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. (A program to assist employees who may have a drug/alcohol problem is provided through the (local unit type)'s Employee Assistance Program.)

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on (local unit type) property or while performing (local unit type) business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.