

XIX

O.8.06

**AN ORDINANCE OF THE TOWNSHIP OF DEPTFORD,
COUNTY OF GLOUCESTER, NEW JERSEY, AMENDING THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DEPTFORD
CHAPTER XIX, BY ADDING NEW SECTION 19-17 ENTITLED RANDOM
DRUG TESTING/SCREENING POLICY OF THE TOWNSHIP OF DEPTFORD**

WHEREAS, the Deptford Township Council desires to implement a random drug testing and screening policy for all employees of Deptford Township, civilian and sworn personnel, volunteers and appointed officials recognizing that it is important to maintain a drug free workforce in the interest of providing the best service possible to residents of Deptford Township; and

WHEREAS, this Random Drug Testing/Screening Policy was developed from legal guidelines associated with drug screening public employees; the Attorney Generals Law Enforcement Drug Screening Guidelines, issued by the Division of Criminal Justice, revised December 2002; and it has been reviewed and approved by the Gloucester County Prosecutor's Office with their assertion that it meets their Drug screening protocol for law enforcement officers.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Deptford, County of Gloucester, State of New Jersey, as follows:

SECTION I

That the revised General Ordinance is hereby amended creating a new section to be known as Section 19-17 entitled Random Drug Testing/Screening Policy which is attached hereto and made part of this enabling Ordinance.

BE IT FURTHER ORDAINED by the Township Council for the Township of Deptford, County of Gloucester, State of New Jersey, as follows:

SECTION I

That the Township Clerk of the Township of Deptford is hereby directed to have said drug policy codified and made part of the Revised General Ordinances of the Township of Deptford.

SECTION II

That the Township Clerk of the Township of Deptford pursuant to 40:49-4, shall cause to be published, in the manner required by law, a copy of this ordinance in a newspaper of general circulation in the Township of Deptford; and shall provide sufficient copies of said ordinance in the office of the Township Clerk for inspection by the public at all times during regular business hours.

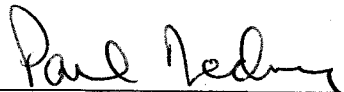
SECTION III

If any provision of this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated.

SECTION IV

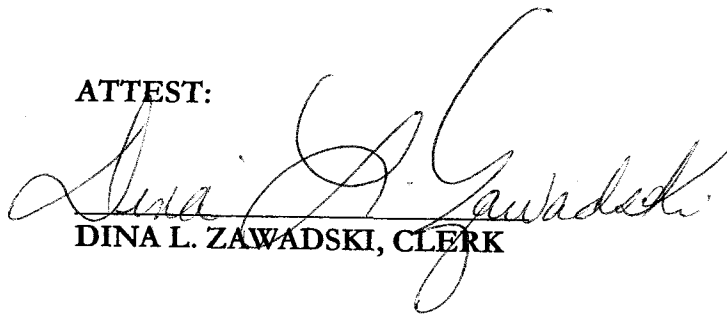
This Ordinance shall become effective twenty (20) days upon final passage by Township Council and publication according to law.

TOWNSHIP OF DEPTFORD



PAUL MEDANY, MAYOR

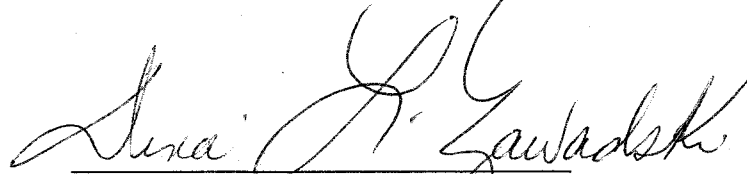
ATTEST:



DINA L. ZAWADSKI, CLERK

CERTIFICATION

The above Ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Deptford held on the *11th* day of *Sept.*, 2006 and will be taken up for final consideration and passage at the Regular Meeting of Mayor and Council of the Township of Deptford to be held at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey, Gloucester County, on the *2nd* day of *Oct.*, 2006, at 7:00 p.m. or as soon thereafter as the matter can be reached at which time any person interested shall be given an opportunity to be heard.


DINA L. ZAWADSKI, CLERK

**REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF DEPTFORD
CHAPTER XIX, NEW SECTION 19-17 (ET. SEQ.)**

COMMENTS: This Random Drug Testing/Screening Policy / Ordinance 0.8.06 was developed from the legal guidelines associated with drug screening public employees; the Attorney Generals Law Enforcement drug Screening Guidelines, issued by the Division of Criminal Justice, revised December 2002; and it has been reviewed and approved by the Gloucester Co. Prosecutor's Office with their assertion that it meets their Drug screening protocol for law enforcement officers.

**ALL EMPLOYEES OF THE TOWNSHIP OF DEPTFORD, CIVILIAN AND SWORN
PERSONNEL, VOLUNTEERS, AND APPOINTED STAFF**

**DRUG SCREENING PERSONNEL POLICY STATEMENT OF
THE TOWNSHIP OF DEPTFORD**

The Township of Deptford as a responsible community of Gloucester County recognizes that it is important to maintain a drug free workforce in the interest of providing the best service possible to their citizens. The Township of Deptford also recognizes that the Police Department play a significant role in administering criminal justice in our free society and the Township understands that drug abuse by a sworn member of our police department will severely undermine the public trust and confidence in our ability to administer equal and competent criminal justice in our community. Therefore, it is the policy of the Township of Deptford to insure that the citizens of our Township, The County of Gloucester, and state of New Jersey, are provided service and protection by all Township employees (sworn Police personnel and civilian employees alike) with the highest level of integrity and competence. Moreover, drug abuse by any employee of Deptford Township, be they sworn police officers or civilian staff, shall not be tolerated. Subsequently, mandatory drug testing or screening will be implemented as a method to insure that no drug abuse is taking place within the sworn police or civilian workforce of Deptford Township.

The following shall not be construed to limit in any way the rights of the Deptford Police Department to drug test any other civilian employee of the police department with just cause in accordance with the standards of the Personnel Policy of the Township of Deptford or any local ordinance regulating the subject covered in the Police Department Rules and Regulations

APPLICABILITY

- A. It is the policy of the *Township of Deptford* to conduct random drug testing on:
1. Candidates for the position of Police Officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C: 39-6;
 2. Police Officer trainees subject to the Police Training Act while they attend a mandatory basic training course;
 3. Police Officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act, and may also be authorized to carry a firearm under N.J.S.A. 2C: 39-6;
 4. Any civilian employee of the Township whose job description requires them to operate heavy machinery / equipment, or drive a Township owned vehicle;
 5. Any employee hired by the Township in the Emergency Services Unit as an Emergency Medical Technician; and
 6. Any civilian employee in any job description or position, with just cause, who exhibits signs of being under the influence of illegal drugs at any time or alcohol while on-duty.
- B. It is the policy of the Township of Deptford to conduct drug testing of *any employee*, including Police Officers, when there is reasonable suspicion to believe that the employee is illegally using drugs at any time or under the influence of alcohol while on-duty.
1. In the case of police officers suspected of drug use, reasonable suspicion will be determined by the Gloucester County Prosecutor or her/his designee or by the Township Manager upon submission of a written statement outlining reasonable suspicion as required by the Attorney Generals Guidelines on the subject matter;
 2. In the case of civilian employees suspected of drug use reasonable suspicion will be determined by the Township Manager or his/her designee after consultation with our Township's legal or labor counsel.

****Reasonable suspicion for the purpose of this policy is defined as: "That quantum of knowledge sufficient to induce an ordinary prudent and cautious man under circumstances to believe criminal activity is at hand. It must be based on specific articulable facts, which, taken together with rational inference from those facts, reasonably warrants intrusion". Reference- Blacks Law Dictionary.**

TYPES OF DRUG TESTING

The Township of Deptford must carefully select candidates for all positions of employment with Township, especially the position of police officer, whose character and credibility must be beyond reproach. The Deptford Police Department shall strive to hire only those people who are qualified and are able to perform the duties and responsibilities to which they will be assigned. Therefore, drug abusers should be detected and disqualified from employment with our Township and Police Department.

1. It is the policy of the Township of Deptford that all candidates for employment with the police department or anyone, including civilians, performing duties under the direction of the Chief of Police will under go drug screening.
2. It is the policy of the Township of Deptford that a candidate for pay, volunteer position, or anyone performing duties under the direction of the Chief of Police shall be required to submit a urine sample at a time during the pre-employment or assignment stage when the individual is seriously being considered for appointment or assignment to a position within the Police Department.
3. It is the policy of the Township of Deptford that a candidate for pay, volunteer position, or anyone performing duties under the direction of the Township Manager shall be required to submit a urine sample at a time during pre-employment or assignment stage when the individual is seriously being considered for appointment or assignment to a position with the Township of Deptford.
 - A. Candidates for the position of Police Officer.
 1. Candidates may be required to submit a urine specimen at any time prior to appointment.
 - B. Police Officer Trainees.
 - A. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission (*see attached*).
 - B. Individual trainees may also be required to submit a urine specimen for testing when reasonable suspicion exists to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor or her/his designee, the Township Manager, or the academy director.

C. Police Officers (Sworn)

1. Urine specimens shall be ordered from a Police Officer when reasonable suspicion exists to believe that the individual is illegally using drugs. Urine shall not be ordered from an individual without the approval of the County Prosecutor or her/his designee or Township Manager *and shall only be taken* after a written statement (or verbal statement in emergent cases) is made outlining the reasonable suspicion *and said statement* has been reviewed by the Chief of Police or his/her designee.
2. Urine specimens shall be ordered from Police Officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn police officer, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. *A percentage not to exceed 20 percent (20%) annually of the current population of sworn officers will be chosen at random.*
3. Urine specimens may be collected from Police Officers at a regularly scheduled and announced medical examination or a fitness for duty examination. The collection/analysis of these specimens will be determined by the Chief of Police.

D. Civilian Employees (non-sworn personnel)

1. Urine specimens shall be ordered from a civilian employee when reasonable suspicion exists to believe that the individual is illegally using drugs. Urine specimens shall not be ordered from an individual without the approval of the Township Manager or here/his designee, and shall only be taken after a written or verbal statement is made outlining the reasonable suspicion and said statement has been reviewed by the Township Manager and or his/her designee.
2. Urine specimens may be ordered from civilian employees who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every civilian employee, regardless of position or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. *A percentage not to exceed 20 percent (20%) annually of the current population of civilian employees will be chosen at random.*
3. Urine specimens may be ordered from civilian employees, whose job description or position requires or entails the regular or periodic operation of any Township owned or rented vehicle or heavy machinery or equipment and or who are working in the capacity of an Emergency Medical Technician. Civilian employees who fall under this category shall be periodically randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every civilian employee falling under this category, regardless of position or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. *A percentage not to exceed*

20 percent (20%) annually of the current population of employees categorized herein will be chosen at random.

NOTIFICATION OF DRUG TESTING PROCEDURES

A. Police Officer Candidates

1. This agency will test candidates for Police Officer and will notify those candidates that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will:
 - a. Result in the candidate being dropped from consideration of employment.
 - b. Cause the candidate's name to be reported to the central drug registry maintained by the Division of State Police.
 - c. Preclude the candidate from being considered for future law enforcement employment for a period of two years.

In addition, the notification will indicate that if the candidate is currently employed as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

B. Police Officer Trainees

1. All newly appointed Police Officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. The officer's termination from employment.
 - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police.
 - c. The officer will be permanently barred from future law enforcement employment in New Jersey.
2. Newly appointed officers shall be further informed that the refusal to submit to a drug test will result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.
3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training.

C. Police Officers: reasonable suspicion testing:

1. This policy, in accordance with N.J.S.A. 40A:14-118, will provide that individual Police Officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that an individual is illegally using drugs.
2. Before a Police Officer may be ordered to submit to a drug test based on reasonable suspicion, this agency shall prepare a written report, which documents the basis for the reasonable suspicion. The County Prosecutor or the Township Manager shall review the report before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. A negative result is a condition of employment as a Police Officer and that a positive test will result in:
 - a. Report to the County Prosecutor.
 - b. The Police Officer's termination from employment.
 - c. Inclusion of the Police Officer's name in the central drug registry maintained by the division of State Police.
 - d. The Police Officer is permanently barred from future law enforcement employment in New Jersey.
4. Police Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those individuals who test positive for the illegal use of drugs.

D. Police Officers: **RANDOM DRUG TESTING**

1. The Office of the County Prosecutor has implemented a random drug testing policy providing for all local municipalities to initiate random drug screening of their sworn police officers in accordance with the Attorney General's Guidelines. The County Prosecutor has asked that local municipalities randomly test at least twenty percent of their sworn police officers annually. The random drug testing cannot be implemented until rules and regulations establishing such a procedure have been in effect for a minimum of sixty one (61) days.
2. It is the policy of the Township of Deptford to conduct random drug testing of all sworn police officers in accordance with the County Prosecutor's mandate; and to conduct random and suspicious based drug screening of civilian employees as stated herein. Therefore, the following conditions shall apply to the random drug testing of all sworn Police Officers of this department:
 - a. All Police Officers are eligible for random drug testing, regardless of rank.

- b. Annual random drug testing shall be equal to or less than twenty percent (20%) of current population of all sworn Police Officers employed at the time of the test.
- c. Annual random anabolic steroid testing of all Police Officers will be incorporated in the annual random anabolic steroid testing of all sworn law enforcement officers of this department. The random anabolic steroid testing will be equal to or less than five percent (5%) of all sworn law enforcement officers in our department.
- d. The random selection of Police Officers shall be achieved by using a method by which each and every sworn member of the agency, regardless of rank or assignment, has an equal chance of being selected for drug testing each and every time a selection is conducted.
- e. The random selection process will be a lottery system. Each Police Officer will be selected at random by a computer program. The integrity of this computer program is guaranteed by the software vendor and it will be applied through our department's information and technology's Officer.
- f. Records shall be kept of each random selection and signed by all present.
- g. A representative of each collective bargaining unit shall be invited to be present for all selections.
- h. Any member of this police department, who discloses the identity of an individual selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens, shall be subject to serious discipline.
- i. Urine samples will be collected using containers approved by the New Jersey State Toxicology Laboratory.
- j. Any Police Officer who refuses to submit to a drug test when randomly selected will be subject to the same penalties as those individuals who test positive for the illegal use of drugs.

E. Civilian Employee Candidates

- 1. This agency will test civilian employee job candidates and will notify those candidates that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will:
 - a. Result in the candidate being dropped from consideration for employment.

- b. May preclude the candidate from being considered for future employment for a period of two years.

F. Civilian Employee Trainees (working test period)

1. All newly appointed civilian employees shall be informed that drug testing may be mandatory during their working test period or probationary period. Newly appointed civilian employees shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. The Civilian Employees' termination from employment.
 - b. Barred from consideration for future employment with Deptford Township.
 - c. Newly appointed civilian employees shall be further informed that the refusal to submit to a drug test will result in their dismissal from employment and a permanent ban from future employment with Deptford Township.

G. Civilian Employees: reasonable suspicion testing:

1. This Policy/Ordinance, in accordance with The Personnel Policy Manual of the Township of Deptford, will provide that civilian employees will be ordered to submit to a drug test when there is a reasonable suspicion to believe that an employee is illegally using drugs at any time or under the influence of alcohol while on-duty.
2. Before a Civilian Employee may be ordered to submit to a drug test based on reasonable suspicion, the requesting supervisor shall prepare a written report, which documents the basis for the reasonable suspicion. The Township Manager shall review the report before any reasonable suspicion drug test or screening may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion drug test or screening on the basis of a verbal report.
3. A negative result is a condition of employment as a Civilian Employee and a positive test will result in:
 - a. Report to the Township Manager.
 - b. Civilian employee's termination from employment.
 - c. The Civilian Employees permanent bar from employment with the Township of Deptford.
4. Civilian Employees who refuse to submit to a drug test or screening based on reasonable suspicion after being ordered to do so are subject to the same penalties

as those individuals who test positive for illegal use of drugs or alcohol influence on duty.

H. Civilian Employees: **RANDOM DRUG TESTING:**

1. It is the policy of the Township of Deptford to conduct random drug testing of all civilian employees whose job description requires them to operate Township owned vehicles, heavy machinery or equipment; perform job functions as Emergency Medical Technicians (EMT); or handle sensitive or classified case file materials. Therefore, the following conditions shall apply to the random drug testing of all Civilian Employees of the Township of Deptford:
 - a. All civilian employees falling into the aforementioned categories are eligible for random drug testing, regardless of position or title.
 - b. Annual random drug testing shall be equal to or less than twenty percent (20%) of the population of the number of employees categorized as mentioned.
 - c. Annual random anabolic steroid testing of all Civilian Employees falling into the aforementioned categories requiring random testing will be incorporated as part of the annual random drug screening. The random anabolic steroid testing will be equal to or less than five percent (5%) of all civilian employees categorized as mentioned.
 - d. The random selection of the aforementioned population of Civilian Employees shall be achieved by using a method by which each and every Civilian Employee, regardless of position, title, or assignment, has an equal chance of being selected for drug testing each and every time a selection is conducted.
 - e. The random selection process will be a lottery system. Each Civilian Employee will be selected at random by a computer program. The integrity of this computer program is guaranteed by the software vendor and it will be applied through our department's information and technology's Officer.
 - f. Records shall be kept of each random selection and signed by all present.
 - g. A representative of each collective bargaining unit shall be invited to be present for all selections.
 - h. Any member of the Township of Deptford, who disclosed the identity of an individual selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens, shall be subject to serious discipline.

- i. Urine samples will be collected using containers approved by the vendor conducting the random sampling.
- j. Any Civilian Employee who refuses to submit to a drug test when randomly selected will be subject to the same penalties as those individuals who test positive for the illegal use of drugs.

SPECIMEN ACQUISITION PROCEDURES

A. Preliminary acquisition procedures (Police officers or sworn personnel only):

1. A member of the police department's internal affairs unit will serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the police department administration may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
2. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that the individual submitting the specimen fully and accurately completes all documentation.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - c. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory.
3. Prior to the submission of a specimen, a candidate shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the candidate that a negative result is a condition of employment and that a positive result will:
 - a. Result in the candidate being dropped from consideration for employment.
 - b. Cause the candidate's name to be reported to the central drug registry maintained by the Division of State Police.
 - c. Preclude the candidate from being considered for future law enforcement employment for a period of two years.
 - d. Candidates shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, candidates who have not received a conditional offer of employment can be requires to complete a medical questionnaire if, following the submission of their specimen to the

State Toxicology Laboratory for analysis, the Office of the Prosecutor receives a report indicating that the specimen tested positive for a controlled substance.

4. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment C) advising the trainee that a negative result is a condition of employment and that a positive result will:
 - a. Result in the trainee being dismissed from basic training.
 - b. Cause the trainee to being dismissed from employment as a law enforcement officer by the Chief of Police.
 - c. Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police.
 - d. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.
 - e. This form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire (Attachment B), which clearly describes all medications, both prescriptions, and over-the-counter (non-prescription) that was ingested in the past 30 days.
5. Prior to the submission of a urine specimen, Police Officers shall complete a medical questionnaire (Attachment B), which clearly describes all medications, both prescription, and over-the-counter (non-prescription), that was ingested in the past 30 days.

B. Specimen collection (Police Officers Only)

1. Throughout the test process, the identity of those tested shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. Urine specimens will be acquires and processed in accordance with procedures established by the State Toxicology Laboratory.
 - a. After the monitor has inspected the appropriate forms for accuracy, the candidate, trainee, Police Officer shall void into the specimen collection container.

- b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
 - c. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
 4. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the monitor may directly observe the production of a specimen. The Chief of Police or his/her designee must document the facts underlying their beliefs that an individual may adulterate a specimen or compromise the integrity of the test process.
 5. Individuals that initially are unable to produce a urine specimen shall remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
 6. Trainees, Police Officer shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
 - a. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
 - b. The Deptford Police Department shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
 - c. The second specimen shall be released by this agency under the following circumstances:
 - i. The Deptford Police department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and

- ii. The Deptford Police department is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
- iii. The individual must designate a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
- iv. A representative of the licensed clinical laboratory designated by the individual take possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

C. Preliminary acquisition procedures (Civilian Employees);

1. A supervisor employed by the Township of Deptford will serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. Monitoring this process can simply entail direct oversight of the collecting agent or private vendor performing this process.
2. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that the individual submitting the specimen fully and accurately completes all documentation.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - c. Complying with chain of custody procedures established for the collection of urine specimens, subsequent to submission to the certified testing facility.
3. Prior to the submission of a specimen, a candidate shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the candidate that a negative result is a condition of employment and that a positive result will:
 - a. Result in the candidate being dropped from consideration for employment.
 - b. Suspended from employment pending disciplinary procedures and or dismissal.
 - c. Preclude the candidate from being considered for future employment with Deptford Township for a period of two years.
 - d. Candidates shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a

conditional offer of employment. However, candidates who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to a certified testing facility.

4. Prior to the submission of a urine specimen, civilian employees shall complete a medical questionnaire (Attachment b), which clearly describes all medications, both prescription, and over-the-counter (non-prescription), that was ingested in the past 30 days.

D. Specimen collection (Civilian Employees)

1. Throughout the test process, the identity of those tested shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers.
2. Specimens will be collected utilizing equipment and supplies approved by 1 licensed facility or vendor performing the test.
3. Urine specimens will be acquired and processed in accordance with procedures established by the licensed facility or vendor performing the test.
 - a. After the monitor or collecting agent has inspected the appropriate forms for accuracy, the employee shall void into the specimen collection container.
 - b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor or collecting agent.
 - c. Once the monitor or collecting agent is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the certified laboratory for analysis.
3. Individuals will void without the direct observation of the monitor or collecting agent unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the monitor may directly observe the production of a specimen. The Township Manager or his/her designee must document the facts underlying their beliefs that an individual may adulterate a specimen or compromise the integrity of the test process.
4. Individuals that initially are unable to produce a urine specimen shall remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor or collecting agent may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable

to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

5. Civilian Employees shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
 - a. The second specimen shall be collected in the same fashion as the first specimen. The monitor or collecting agent shall take possession of the second specimen and place it in a secured refrigerated storage area.
 - b. The Deptford Police Department shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the Certified Laboratory that the first specimen tested negative for the presence of controlled substances.
 - c. The second specimen shall be released by this agency under the following circumstances:
 - i. The Deptford Police department is notified by the Certified Laboratory that the first specimen tested positive for a controlled substance; and
 - ii. The Deptford Police department is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
 - iii. The individual must designate an independent certified laboratory that is licensed as clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
 - iv. A representative of the licensed clinical laboratory designated by the individual shall take possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

SUBMISSIONS OF SPECIMENS FOR ANALYSIS

- A. A clinical laboratory licensed by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act will be the only laboratory allowed to conduct drug screening for the Township of Deptford.
- B. Urine specimens should be submitted to the Certified Laboratory within one working day of their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Deptford Police department shall store the

specimen in a controlled access refrigerated storage area until submission to the certified laboratory.

1. Personnel from the collecting agent or a commercial courier may accomplish submission of specimens to the Certified Laboratory.
2. Should the township of Deptford choose to have specimens delivered to the Certified Laboratory by commercial courier, the following procedural safeguards must be taken:
 - a. All submissions must be by "next day delivery."
 - b. In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.
 - c. The Certified Laboratory must reject specimens that it has reason to believe have been subject to tampering.

ANALYSIS OF SPECIMENS

- A. The State Toxicology Laboratory (for Sworn police officers) and a Certified Laboratory (for civilian employees) will utilize the following test procedures to analyze urine specimens:
 1. All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
 2. Those specimens that test positive for a controlled substance following the fluorescence polarization immunoassay shall be subject to a gas chromatography/mass spectrophotometry analysis to confirm the presence of the controlled substance.
 3. In the event a specimen is confirmed to be positive for a controlled substance following the gas chromatography/mass spectrophotometry, a medical review officer at the laboratory shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result. The medical review officer may direct this agency to obtain further information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that the specimen tested positive.
 4. The State Toxicology Laboratory or Certified Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. Amphetamine/Methamphetamine;

- b. Barbiturates;
 - c. Benzodiazepine;
 - d. Cannabinoids;
 - e. Cocaine;
 - f. Methadone;
 - g. Phencyclidine;
 - h. Opiates;
 - i. Anabolic steroids; and
 - j. Percent Blood Alcohol Content (BAC)
5. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory as they pertain to sworn police officers. These procedures shall include but not limited to security of the test specimens, chain of custody, metabolite cut-of levels and the issuance of test reports.
6. A private pharmaceutical laboratory via the State toxicology Laboratory will provide anabolic steroid testing.

DRUG TEST RESULTS

- A. The State Toxicology Laboratory shall notify the Deptford Police department of any positive test results from the specimens submitted for analysis. The Certified Laboratory that tests civilian employees will notify the Township Manager of any positive test results from specimens submitted for analysis. All reports of positive test results shall be in writing and sent to Deptford Township within 15 working days of the submission. The State Toxicology Laboratory or independent Certified Laboratory will, upon request, provide this agency with written documentation that one or more specimens submitted for analysis tested negative.
- B. The State Toxicology Laboratory or independent Certified Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer or medical official has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- C. The Deptford Police department shall notify the applicant, trainee, Police Officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report. The Township of Deptford will notify any civilian employee of the results of a positive test result as soon as practical after receipt of the report from the independent Certified Laboratory.
- D. Under no circumstances may an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory or certified licensed laboratory be retested.

CONSEQUENCES OF A POSITIVE TEST RESULT

- A. When a police candidate tests positive for illegal drug use:
1. The candidate shall be immediately removed from consideration for employment;
 2. The candidate shall be reported to the Central Drug Registry maintained by the Division of State Police by this agency;
 3. The candidate shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years;
 4. Where the candidate is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a police trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission.
1. The trainee may be immediately dismissed from basic training and suspended from employment by the Office of the Prosecutor;
 2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Office of the Prosecutor;
 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a Police Officer tests positive for illegal drug use:
1. The individual shall be immediately suspended from all duties;
 2. The individual shall be terminated from employment, upon final disciplinary action;
 3. The individual shall be reported to the Central Drug Registry maintained by the Division of State Police by this agency; and
 4. The individual shall be permanently barred from future law enforcement employment in New Jersey.

- D. When a Civilian employee tests positive for illegal drug use:
1. The individual shall be immediately suspended from all duties;
 2. The individual shall be terminated from employment, upon final disciplinary action;
 3. The individual shall be permanently barred from future employment with Deptford Township.

CONSEQUENCES OF A REFUSAL TO SUBMIT TO DRUG TEST

- A. Police Candidates who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement and barred from consideration for future law enforcement employment for a period of two years. In addition, the Deptford Police department shall forward the candidate's name to the Central Drug Registry and not that the individual refused to submit to a drug test.
- B. Police Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Deptford Police department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Police Officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the individual did in fact refuse to submit the sample, the individual shall be terminated from law enforcement employment and permanently barred from future law enforcement in New Jersey. In addition, this agency shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- D. Civilian Employees who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the individual did in fact refuse to submit the sample, the individual shall be terminated from employment and permanently barred from future employment in Deptford Township.

RECORD KEEPING

- A. The Internal Affairs Unit of the police department shall maintain all records relating to drug testing of Police Officers and the Township Clerk will maintain all records related to the drug testing of Civilian Employees for the Township of Deptford.
- B. The drug testing records shall include but not be limited to:

1. For all drug testing:
 - a. The identity of those ordered to submit urine samples;
 - b. The reason for that order;
 - c. The date the urine was collected;
 - d. The monitor of the collection process;
 - e. The chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory or independent Certified Laboratory;
 - f. The results of the drug testing;
 - g. Copies of notifications to the subject; and
 - h. For any positive or refusal, appropriate documentation for disciplinary action.

2. For random drug testing, the records will also include the following information:
 - a. A description of the process used to randomly select individuals for drug testing;
 - b. The date selection was made;
 - c. A copy of the document listing the identities of those selected for drug testing;
 - d. A list of those who were actually tested; and
 - e. The date(s) those individuals were tested.

- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Police and Procedures.

CENTRAL DRUG REGISTRY (POLICE ONLY)

- A. The Deptford Police department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees, County Investigators and Assistant Prosecutors who test positive for illegal use of drugs or refuse an order to submit a urine sample.
- B. Notifications to the Central Drug Registry shall include the following information as to each individual:
1. Name and address of the Office of the Prosecutor;
 2. Name of the individual who tested positive;
 3. Last known address of the individual;
 4. Date of birth;
 5. Social security number;
 6. SBI number (if applicable);
 7. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 8. Date of dismissal from this agency; and
 9. The title and assignment of the individual.
- C. Notification to the Central Registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel.
 2. In response to a court order.

ATTACHMENT A

DRUG TESTING CANDIDATE NOTICE AND ACKNOWLEDGEMENT

I, _____, understand that as part of the pre-employment pre-employment process, Deptford Township and or the Deptford Police department will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that a part of this process, I will undergo drug testing through urinalysis.

I understand that a negative drug test result is a condition of employment.

I understand that if I produce a positive result for illegal drug use, I will be rejected for employment.

I understand that as a candidate for a police position, if I produce a positive result for illegal drug use, that information shall be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to law enforcement employment. (this section does not apply to Civilian Employees)

I understand that if I produce a positive result for illegal drug use and am not currently employed as a sworn law enforcement officer; I shall be barred from future law enforcement employment in New Jersey for two years/ After this two-year period, the positive result may be considered in evaluating my fitness for future law enforcement employment. (Police officers only).

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I shall be dismissed from my law enforcement position and I shall be permanently barred from law enforcement. (Police only).

I have read and understand the information contained on this "candidate Notice and Acknowledgement" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

Signature of Candidate

Date

Signature of Witness

Date

ATTACHMENT B

DRUG TESTING and MEDICAL INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last thirty days. Please carefully complete the information below.

List all that apply:

A. During the past 30 days I have taken the following medications prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1.			
2.			
3.			
4.			
5.			

B. During the past 30 days, I have taken NO prescription or non-prescription medications.

Social Security Number & Initials

Date

Signature of Witness

Date

ATTACHMENT C

DRUG TESTING and TRAINEE NOTICE AND ACKNOWLEDGEMENT

I, _____, understand that a part of the program of training at _____, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative result is a condition of my continued attendance at the academy.

I understand that I can refuse to undergo the testing.

I understand that if I refuse, I will be dismissed from the academy and from my law enforcement position (Police Only).

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from employment with Township of Deptford.

I understand that if I produce a positive test result for illegal drug use, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to law enforcement employment (Police Only).

I understand that if I produce a positive test result for illegal drug use, I shall be permanently barred from serving as a law enforcement officer in New Jersey and from future employment opportunity with Deptford Township.

I have read and I understand the information contained on this "Trainee Notice and Acknowledgement" form. I agree to undergo drug testing through urinalysis as part of the academy training program.

Signature of Candidate

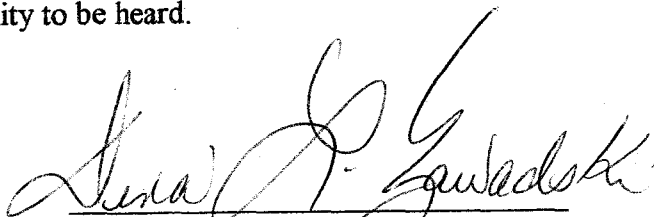
Date

Signature of Witness

Date

CERTIFICATION

The above Ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Deptford held on the 10th day of Sept 2005 and will be taken up for final consideration and passage at the Regular meeting of Mayor and Council of the Township of Deptford to be held at the Municipal Building, 1011 Cooper Street, Deptford, NJ, Gloucester County, on the 20th day of Oct 2005 at 7:00 P.M. or as soon thereafter as the matter can be reached at which time any person interested shall be given an opportunity to be heard.


DINA L. ZAWADSKI, CLERK