

## Bergen County Special Services

### Adult Services Program Policy

#### Title: Substance Abuse Policy

##### I. Overview

A. In accordance with P.L. 2017, Chapter 238 (“Stephen Komninos’ Law”; N.J.S.A. 30:6D-9.1, et seq.), testing for the illegal use of controlled dangerous substances by Adult Services Program job applicants and staff members whose positions may put them in direct contact with individuals with developmental disabilities (“direct care staff members”), and the responses to and consequences of drug testing for such applicants and employees, are set forth below.

B. Drug testing under this Policy shall consist of a urine screen for the following controlled dangerous substances, and/or such other testing as may be required by applicable law:

1. Marijuana;
2. Cocaine;
3. Opiates - including heroin, codeine/morphine and prescribed semi-synthetic opioids;
4. Amphetamines/Methamphetamines; and
5. Phencyclidine (PCP).

C. The cost of testing conducted pursuant to this Policy shall be borne by the appropriate state agency, pursuant to applicable law.

##### II. Pre-Employment Testing

A. All applicants for initial district employment in the Adult Services Program in any position(s) that may put them in direct contact with individuals with developmental disabilities shall consent to, and undergo, drug testing as outlined in this Policy, as a condition of and prior to commencing employment.

B. All BCSS employees who, at their request or due to district need, are recommended for transfers into the Adult Services Program in any position(s) that may put them in direct contact with individuals with developmental disabilities shall consent to, and undergo, drug testing as outlined in this Policy, as a condition of and prior to said transfer.

C. Any such applicant or transfer candidate who tests positive for the unlawful use of control dangerous substances, or refuses to submit to such pre-employment/pre-transfer testing, shall be removed from consideration for employment in or transfer to the Adult Services Program.

III. Random Testing

A. All Adult Services program direct care staff members shall be subject to annual random testing for controlled dangerous substances. Unless otherwise directed by applicable law, ten percent (10%) of the Adult Services Program direct care staff will be randomly tested annually.

B. The BCSS district will utilize a qualified random drug testing provider, as directed by the state were such direction is provided, to develop and implement on the district's behalf random selection, testing and reporting procedures that comply with applicable law. The district will ensure that appropriate, updated staff rosters are communicated to the drug testing provider as needed.

C. Any Adult Services Program staff member selected for and directed to submit to random drug testing is expected to comply expeditiously and in good faith as a condition of continued district employment.

i. Any such staff member who tests positive for the unlawful use of control dangerous substances may be referred for treatment or terminated from district employment as the district determines.

ii. Any such staff member who refuses to submit to drug testing as directed shall be terminated from district employment.

IV. Reasonable Suspicion Testing

A. If the immediate supervisor of any Adult Services program direct care staff member has reasonable suspicion to believe the staff member is illegally using a controlled dangerous substance based on the staff member's visible impairment or professional misconduct which relates adversely on client care or safety, the supervisor shall immediately report this suspicion to the Adult Services Program Coordinator and request written approval to direct the staff member to submit to drug testing.

B. An initial report of suspected drug use must be made in the form and manner directed by the appropriate state agency.

C. The Adult Services Program Coordinator may investigate the facts underlying the reported suspicion directly. If s/he concurs that there is a reasonable suspicion to believe the staff member is illegally using a controlled dangerous substance s/he shall authorize reasonable suspicion drug testing in writing. Drug testing shall not be directed without the written authorization of the Adult Services Program Coordinator.

D. The Adult Services Program Coordinator shall request authorization from the Superintendent of Schools to suspend a staff member who has been directed to undergo reasonable suspicion drug testing pending the return of test results and the completion of any subsequent investigation required for the Adult Services Program Coordinator to reach a final determination.

V. Positive Test Results

A. All applicants and employees who test positive will be informed of those results by the testing provider. Applicants and employees will have the opportunity to speak with a medical review officer (“MRO”) to discuss any relevant legitimate medical explanations for the positive results, such as current prescriptions.

B. If the Adult Services Program Coordinator receives information that a staff member’s random drug test has returned a positive result, s/he shall request authorization from the Superintendent of Schools to suspend the staff member the completion of any subsequent investigation required for the Adult Services Program Coordinator to reach a final determination.

C. The MRO will determine whether or not an applicant’s or employee’s medical explanation excuses, justifies or corrects the initial positive test result.

D. Applicants and employees with positive test results who do not respond to the MRO within 24 hours will have their result finalized as “non-contact positive”.

E. Applicants with positive test results will be removed from consideration for employment.

F. The Adult Services Program Coordinator will offer to review positive test results with employees and consider any relevant legitimate medical explanations the employee may provide before determining what, if any employment actions to take.

VI. Notifications

A. All applicants for Adult Services Program positions that may put them in direct contact with individuals with developmental disabilities shall be informed during the employment recommendation process of P.L. 2017, Chapter 238 (“Stephen Komninos’ Law”; N.J.S.A. 30-6D-9.1, et seq.) and its provisions regarding pre-employment, annual random and reasonable suspicion drug testing, as well as the consequences of positive test results and refusal to submit to testing.

B. All Adult Services Program staff shall be notified annually of P.L. 2017, Chapter 238 (“Stephen Komninos’ Law”; N.J.S.A. 30-6D-9.1, et seq.) and its provisions regarding annual random and reasonable suspicion drug testing, as well as the consequences of positive test results and refusal to submit to testing.