



BERGEN COUNTY SHERIFF'S OFFICE

GENERAL ORDER

Section: 1.0 GENERAL ORDERS		Index: GO 06-1.30	Effective Date: 12/18/08
Subject: DRUG FREE WORKPLACE- LAW ENFORCEMENT EMPLOYEES			Pages: 27
REVISED ON	SECTION	References: NJ Attorney General's Guidelines "Drug Testing" (rev. May 2012), GO 08-1.58 Personnel Early Warning System, GO 06-1.31 Employee Assistance Program; GO 00-1.2 Employee Rules & Regulations; NJ Attorney General's Law Enforcement Directive No. 2018-2; Bergen County Prosecutor's Law Enforcement Directive No. 2018-1 ACA: 4-ALDF-7C-01 Issuing Authority: Sheriff Michael Saudino	
12/2/09	ALL		
3/31/10	IV Random Testing		
9/14/12	issuing authority; IX.C; XII.B		
8/16/16	Pg;refs; iss auth; I.P; II.D; III.C; IV.A/G; V.A/C; VI.A; VII.A/C; IX.C; X.A.4; XI.B/C; XII.B.1.h;Appendix A-H		
4/20/18	Ref: Policy; IV.A/E/G-I; V.G; XV; XVII; Appendix I/J		

POLICY

It shall be the policy of the Bergen County Sheriff's Office to maintain a work place free of illegal drug use and abuse of alcohol and/or prescription medication. This policy specifically applies to sworn law enforcement officers or trainees. The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy revised May 2012, the New Jersey Attorney General's Law Enforcement Directive No. 2018-2 and the Bergen County Prosecutor's Law Enforcement Directive No. 2018-1. This policy shall serve as notification to all employees of the agency's drug testing policy. This general order is considered an annex to the Rules and Regulations of the Bergen County Sheriff's Office.

PURPOSE

The Bergen County Sheriff's Office recognizes the problem of substance abuse and the profound effects it has on our society. The purpose of this policy shall be to attempt to deter substance abuse by detecting and addressing substance abuse problems as quickly as possible. It shall also intend to provide help, where possible, and encourage employees who are abusing drugs to seek assistance voluntarily. Moreover, this policy shall ensure that the citizens, inmates and officers are provided with protection, security and safety by law enforcement officers whose integrity and competence is beyond question. Based on the Attorney General's guidelines for drug testing of law enforcement officers in the State of New Jersey, this policy shall include procedures requiring all sworn employees and trainees within the Bergen County Sheriff's Office to submit to drug screening in the following circumstances:

- Pre-employment Testing
- Random Selection Testing
- Reasonable Suspicion Testing
- Post-accident Testing

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PROCEDURE

I. Definitions

- A. **Alcohol** The intoxicating agent in the alcoholic beverage, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
- B. **Alcohol Concentration** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 milliliters of breath as indicated by a breath test, or the alcohol measured by grams of alcohol per 100 milliliters of blood.
- C. **Alcohol Use** The consumption of any beverage, mixture or preparation, including medications, containing alcohol.
- D. **Applicant** A person applying for employment or an employee applying for a position or title change within the Bergen County Sheriff's Office.
- E. **Cancelled Test** A drug test that has been declared invalid by a State of New Jersey testing facility or other facility utilized for testing employees. Subject is neither a verified positive nor negative test, and includes a specimen rejected for testing by a laboratory.
- F. **Chain of Command** The unbroken line of authority extending from the Sheriff through a single subordinate at each level of command down to the level of execution. The chain of command shall also be carried in reverse.

- G. **Confirmation Test** A second analytical procedure to identify the presence of a specific drug or metabolite, independent of the screening test, which uses a different technique and chemical principle to ensure reliability and accuracy. In alcohol testing, a second test following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.
- H. **Controlled Substances** The terms "drugs" and "controlled substances" shall include all derivatives of the following classes of drugs: amphetamine/methamphetamine; barbiturates; benzodiazepine; cannabinoids; cocaine; methadone; phencyclidine; opiates; steroids or any controlled substance as defined in N.J.S.A. 2C:35.
- I. **Criminal Drug Statute** A federal or state statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
- J. **County Property** County property includes the following, wherever located: all property, facilities, land, buildings, structures, trucks, automobiles, and all other vehicles, whether owned, leased or used by the county.
- K. **Drug** Any substance, other than alcohol, that has a known mind or function altering effects on a human subject, specifically, including any psychoactive substance and including, but not limited to a controlled substance.
- L. **Employee** Any person, sworn or unsworn, who works in any capacity for the Bergen County Sheriff's Office. This also includes paid or unpaid interns and volunteers.
- M. **Possess** To have on one's person or in one's personal effects or under one's control, whether constructive or actual.
- N. **Prohibited Drug** Prohibited drugs shall include, but not be limited to the following: amphetamine/methamphetamine; barbiturates; benzodiazepine; cannabinoids; cocaine; methadone; phencyclidine; opiates; steroids or any controlled substance as defined in N.J.S.A. 2C:35, unless lawfully subscribed by a physician licensed within the State of New Jersey.
- O. **Refusal to Submit to a Test** After having received notice of the requirement to be tested in accordance with the provisions of this policy, failure of an applicant, trainee, or employee to provide adequate breath samples for alcohol testing, or urine specimen and/or blood sample for drug testing as directed. Also, engaging in conduct that clearly obstructs the testing process.
- P. **Sworn Member** Any person who has taken a sworn Oath of Office with the Bergen County Sheriff's Office (County Correction Officers, County Sheriff's Officers, Sheriff's Investigators, and County Police Officers).
- Q. **Verified Negative Drug Test Result** A drug test result determined, by the testing facility, not to be evidence of use of alcohol or a prohibited drug.
- R. **Verified Positive Drug Test Result** A drug test result determined, by the testing facility, to be evidence of use of a prohibited drug or alcohol.

II. Applicability

- A. The Bergen County Sheriff's Office considers drug and/or alcohol screening of its law enforcement applicants to be a necessary condition of employment.
- B. Reporting to work or while on duty in the performance of Sheriff's Office business, or otherwise being on county property under the influence of drugs and/or alcohol shall be prohibited, as is the use, possession, distribution, manufacture, sale, or purchase of drugs and/or alcohol while on duty, within county premises, or while on official county business.
- C. Law enforcement applicants, trainees or sworn employees who fail to pass any drug and/or alcohol screen shall be in violation of this policy and subject to disciplinary action which shall include the following;
 - 1. Dismissal;
 - 2. Reporting to the central registry maintained by the Division of State Police;
 - 3. Reporting to the County Prosecutor.
- D. Personnel refusing to submit to drug testing and/or repeatedly avoiding or missing drug test appointments shall be subject to disciplinary action, up to and including termination. Additionally, failure to disclose or explain the nature of any suspected substance, or the refusal of any other reasonable request under this policy, an attempt to dilute, switch or adulterate a urine specimen, shall be viewed as insubordination and the employee shall be subject to disciplinary action, up to and including termination. The Bergen County Sheriff's Office retains the right to report all activities to other law enforcement officials or to file criminal charges, if applicable.
- E. The provisions of this policy shall be subject to any limitations or requirements imposed by federal or state law. If any section of this policy is invalidated for being contrary to any law, or regulation, the remaining sections shall remain in full force and effect.
- F. The Office of Professional Standards Unit within the Bergen County Sheriff's Office shall be responsible for monitoring all drug testing procedures and investigating all alleged violations of this policy.

III. Pre-Employment Testing

- A. All offers of law enforcement employment shall be conditional upon the applicant's ability to pass a drug and/or alcohol screening prior to being granted full employment status.
- B. During the pre-employment phase all law enforcement applicants shall be apprised of the agency's policy regarding a drug-free workplace.
- C. Applicants shall be notified of the mandatory drug screening and shall receive an "Applicant Notice and Acknowledgment Form" (*Appendix A*).

- D. Applicants shall also be provided with a "Drug Testing Medication Information Form" (*Appendix B*) to report the use of any prescription or non-prescription medications, if applicable, before the test is performed.
- E. In the event a drug screening is determined to be invalid or unreliable, but is not due to misconduct, the applicant will be immediately notified of this fact and required to submit to a new test. If a sample is determined to be unreliable due to misconduct of the applicant, any conditional offers of employment will be rescinded.
 - 1. Testing misconduct includes, but is not limited to:
 - a. Diluting the specimen;
 - b. Substituting samples; or
 - c. Attempting to adulterate the specimen.
- F. Refusal to submit to the test, testing misconduct or a positive confirmed test during the pre-employment phase shall exclude the applicant from consideration for employment within the Bergen County Sheriff's Office.
- G. The applicant shall also be barred from consideration for future law enforcement employment for period of two (2) years from the date of the refusal. Results of previous failed drug screenings may be considered in subsequent job applications.
- H. Applicants denied full-employment status may request the test results within sixty (60) days from the date of testing.
- I. The applicant's name shall be forwarded to the Central Drug Registry with indication that the individual refused to submit to a drug test or had a positive test result.

IV. Random Testing

- A. All sworn officers of the Bergen County Sheriff's Office to include trainees are eligible for random drug testing, regardless of rank and assignment.
- B. The random selection of members shall be accomplished through a computer-based random number generating system that will ensure every officer, regardless of rank, has an equal chance to be selected for drug testing each and every time a selection is conducted.
- C. To verify the integrity of the method of selection, at least one executive board member or representative of the respective bargaining unit(s) shall be present during the random selection of employees to be tested.
- D. The Office of Professional Standards shall be required to submit a written report specifying who was present during the selection, the names chosen for testing and the results for each person tested.

- E. At least ten percent (10%) of the total number of sworn officers within the Bergen County Sheriff's Office shall be randomly tested each time. The eligible personnel selected for testing, though this sampling may be tested over the course of several days when operationally advantageous. At the discretion of the Sheriff, or his designee, this percentage may be increased.

Note: In accordance with the Bergen County Prosecutor's Law Enforcement Directive No. 2018-1 regarding Random Drug Testing, the directive states that testing need only be done once in the 2018 calendar year. Effective calendar year 2019, all law enforcement agencies must conduct at least two (2) Random Drug Screenings in which at least ten percent (10%) of all sworn personnel are tested during each Random Drug Screening. To be clear, this means that every department will, assuming some duplication, randomly test somewhere between 10 and 20% of the entire sworn force each year.

- F. Any member of the Bergen County Sheriff's Office who discloses the name of an employee selected for random testing or the fact that random testing selection is scheduled to take place, prior to the collection of urine specimens, shall be subject to disciplinary action.
- G. A system to collect urine specimens from selected officers in a prompt, efficient and confidential manner has been established in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.
- H. Officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen shall be deemed to have refused to submit to the drug test.
- I. The knowing tampering with or alteration of a urine sample by adulteration or dilution will be treated in the same manner as if the officer tested positive for the illegal use of drugs. Alteration or adulteration will be presumed if, among other reasons, the temperature gauge of the collection container registers an improper temperature, or the State Toxicology Laboratory or other independent laboratory facility discloses the presence of an adulterant or dilution by some means.

V. Reasonable Suspicion Testing

- A. Any sworn employee or trainee who reports to work and demonstrates impaired conduct or may be considered unsafe during the performance of his/her job duties may be subject to reasonable suspicion testing.
- B. The employee shall be observed and/or interviewed by a supervisor to determine the cause of the irregular behavior.
- C. If the employee is suspected of using or abusing drugs and/or alcohol but is not under the influence at that time, notification can be made via incident report and/or procedures established within **GO 06-1.31 Employee Assistance Program** and/or **GO 08-1.58 Personnel Early Warning System**.

- D. Sworn employees and trainees, under reasonable suspicion of illegal drug use, shall be required to submit a urine specimen.
- E. Drug testing of employees, under reasonable suspicion testing, may not be performed without specific authorization by the Sheriff or his designee.
- F. This authorization should be in writing unless circumstances prevent such authorization, in which case verbal authorization may be obtained. In either case, all written documentation shall be prepared and maintained by the Office of Professional Standards.
- G. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the Bergen County Sheriff's Office shall prepare a confidential written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor or the Sheriff of the agency 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.
- H. Any sworn employee or trainee who refuses to submit to a drug test, ordered under reasonable suspicion guidelines, shall be subject to the same penalties as those employees testing positive for the illegal use of drugs.
- I. Any sworn employee or trainee who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused the drug test.
- J. Sworn employees or trainees tested under reasonable suspicion circumstances may be suspended with or without pay or placed on modified assignment pending the test results.
 - 1. If the test results are negative, the individual shall be reinstated with full pay and entitlements.
 - 2. If the results are positive, the individual shall be subject to appropriate disciplinary action determined by the Sheriff or his designee.

VI. Post Accident Testing

- A. The Bergen County Sheriff's Office requires that all sworn employees and trainees involved in an accident, while in the performance of their duties, must immediately report the accident to the Sheriff's Operations Unit. If the accident resulted in either the loss of human life or serious bodily injury, then the employee may be subject to drug and or alcohol testing.
- B. Any sworn employee or trainee subjected to post-accident testing shall be required to remain readily available at the accident site or at the Sheriff's Office and shall not consume any substance other than water prior to submitting to post-accident testing.

1. Failure to remain readily available for testing shall be considered a refusal and shall be considered a violation of this policy.
- C. Any sworn employee or trainee who refuses to provide an appropriate sample, fails the test, or demonstrates testing misconduct, shall be subject to disciplinary action up to and including termination.
- D. Nothing in this policy shall require delay of medical attention for injured person(s) following an accident or to prohibit an individual from leaving the scene for their own medical attention, to obtain assistance or to comply with specific accident scene requests of law enforcement officials.
- E. Drug and alcohol screening shall be administered as soon as practicable.
- F. Drug and alcohol screening tests conducted by federal, state or local authorities, having independent authority for the testing, shall be considered to meet the requirements of this policy provided that the testing complies with this policy's requirements and the results are released to the Bergen County Sheriff's Office.

VII. Collection and Testing Procedures

- A. Sworn employees, law enforcement applicants, and law enforcement trainees shall be required to sign the appropriate forms, if applicable, prior to testing. The forms include, but are not limited to:
 1. *Drug Testing Applicant Notice and Acknowledgement (Appendix A)*
 2. *Drug Testing Trainee Notice and Acknowledgement (Appendix C)*
 3. *Acknowledgement and Consent Random Screening (Appendix E)*
 4. *Acknowledgement and Consent Reasonable Suspicion Screening (Appendix G)*
 5. *Refusal to Provide Specimen (Appendix H)*
- B. In order to safeguard the integrity of the specimen's chain of custody, sworn employees, trainees and applicants subject to testing shall be identified upon arrival at the collection facility by photo identification. Testing will not proceed without verification of the identity of the donor.
- C. The Bergen County Sheriff's Office shall designate a sworn member of its staff to serve as monitor of the specimen acquisition process if a member of the Office of Professional Standards is not available. The monitor shall always be of the same sex as the individual being tested.
- D. The monitor of the specimen acquisition process shall be responsible for:
 1. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.

2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 3. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory for analysis.
- E. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. The form shall also advise the applicant that a negative result is a condition of employment and that a positive result shall:
1. Be cause for excluding an applicant for consideration for employment;
 2. Be cause for reporting the applicant's name to the Central Drug Registry; and
 3. Be cause for precluding the applicant from being considered for future law enforcement employment for a period of two (2) years.
- F. Applicants shall not complete a medical questionnaire prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants 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 the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
- G. Prior to the submission of a urine specimen, a law enforcement trainee enrolled in a basic training course shall execute a form advising the trainee that a negative result is a condition of employment and that a positive result shall:
1. Be cause for dismissing the trainee from basic training;
 2. Be cause for dismissing the trainee from employment as a law enforcement officer with the Bergen County Sheriff's Office;
 3. Be cause for reporting the trainee's name to the Central Drug Registry; and
 4. Be cause for permanently barring the trainee from future law enforcement employment in New Jersey.
- H. The form shall also advise trainees that refusal to participate in the testing process shall carry the same penalties as testing positive.
- I. Prior to the submission of a urine specimen, sworn law enforcement officers and law enforcement trainees shall be required to complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter (non-prescription), ingested within the past fourteen (14) days.

VIII. Specimen Collection

- A. Throughout the testing process the identity of individual 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.
- B. 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.
- C. Urine specimens shall be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
 - 1. After the monitor has inspected the appropriate forms for accuracy, the individual shall void into the specimen collection container.
 - 2. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
 - 3. Once the monitor is satisfied that the required documentation is accurate and he/she has inspected the specimen container to determine the 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.
- D. Individuals shall 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 production of a specimen may be directly observed by the monitor. The Office of Professional Standards must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
- E. Individuals that initially are unable to produce a urine specimen may 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.
- F. Sworn employees and law enforcement trainees shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
 - 1. 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.
 - 2. The Sheriff's Office shall maintain possession of the second specimen for a period of sixty (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.

3. The second specimen shall be released by the Sheriff's Office under the following circumstances:
 - a. The Sheriff's Office is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The Sheriff's Office is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested;
 - c. 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
 - d. A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within sixty (60) days of the date the specimen was produced.

- G. To avoid the risk of adulterated or diluted specimens, water and cleansing agents are prohibited in the enclosure. Similarly, a bluing or dyeing agent may be placed in the toilet. Only one test is to be performed at a time. Testing of another donor will not begin until the testing process of the current donor is completed.
- H. If the collection site personnel note any unusual color or sign of contaminants in the specimen, a second specimen shall be requested. In all instances where a second specimen is requested, the original (suspect) specimen shall be forwarded to the laboratory for testing.

IX. Submission of Specimens for Analysis

- A. The New Jersey State Toxicology Laboratory shall constitute the sole facility for the analysis of law enforcement drug tests.
- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one (1) working day of its collection, the Sheriff's Office shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
 1. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the Sheriff's Office or a commercial courier.
 2. Should the Sheriff's Office choose to have specimens delivered to the State Toxicology 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 specimen; and
 - c. The State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering.
- C. Every law enforcement executive may request that one (1) or more specimens be analyzed for the presence of steroids.
- D. The State Toxicology Laboratory shall notify the Bergen County Sheriff's Office of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the agency within fifteen (15) working days of the submission or as soon as prepared by the State Toxicology Laboratory.
- E. The State Toxicology 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 has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- F. The Bergen County Sheriff's Office shall notify the sworn officer, applicant, or trainee 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.
- G. 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 be retested.

X. Consequences of a Positive Drug Test

- A. When a law enforcement applicant tests positive for illegal drug use, the following rules apply:
1. The applicant shall be immediately removed from consideration for employment;
 2. The applicant shall be reported to the Central Drug Registry;
 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two (2) years.
 4. If the applicant 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 report his/her name to the Central Drug Registry maintained by the Division of the State Police.

- B. When a law enforcement trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission, the following rules apply:
 - 1. The trainee shall be immediately dismissed from basic training and suspended from employment;
 - 2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Sheriff or his designee;
 - 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 sworn law enforcement officer tests positive for illegal drug use, the following rules apply:
 - 1. The officer shall be immediately suspended from all duties;
 - 2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Sheriff or his designee;
 - 3. The officer shall be reported to the Central Drug Registry, maintained by the Division of State Police; and
 - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

XI. Consequences of a Refusal to Submit to a Drug Test

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two (2) years from the date of the refusal. In addition, the Sheriff's Office shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- B. 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 shall be permanently barred from future law enforcement employment in New Jersey. In addition, the Sheriff's Office shall forward the trainee's name to the Central Drug Registry with indication that the individual refused to submit to a drug test.

- C. Sworn law enforcement 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 trainee did in fact refuse to submit a sample, the officer shall be terminated from all law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Sheriff's Office shall forward the officer's name to the

Central Drug Registry with indication that the individual refused to submit to a drug test.

1. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, or who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Sheriff's Office to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XII. Record Keeping

- A. The Office of Professional Standards, within the Bergen County Sheriff's Office, shall maintain all records relating to the drug testing of law enforcement officers, trainees or applicants.
- B. Drug testing records shall include but not be limited to:
 1. For all drug testing:
 - a. Identity of those ordered to submit urine samples;
 - b. Reason for that order;
 - c. Date the urine was collected;
 - d. Monitoring of the collection process;
 - e. Chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
 - f. Results of the drug testing;
 - g. Copies of notifications to the subject;
 - h. For any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 - i. Documentation of disciplinary action, for any positive result or refusal.
 2. For random drug testing, the records shall also include the following information:
 - a. Description of the process used to randomly select officers and employees for drug testing;
 - b. Date selection was made;
 - c. Copy of the document listing the identities of those selected for drug testing;

- d. A list of those who were actually tested; and
 - e. Date(s) those officers or employees were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Attorney General Internal Affairs Policy and Procedures.

XIII. Central Drug Registry

- A. The Bergen County Sheriff's Office shall notify the Central Drug Registry, maintained by the Division of State Police, of the identity of any sworn law enforcement officer, applicant, or trainee who test positive for the illegal use of drugs or who refuses an order to submit a urine sample on the form prescribed. **(See Appendix D)**
- B. Notifications to the Central Drug Registry shall include the following information pertaining to each individual:
- 1. Name and address of the submitting agency, and contact person;
 - 2. Name of the employee testing positive;
 - 3. Last known address of the employee;
 - 4. Date of birth;
 - 5. Social security number;
 - 6. SBI number (if known);
 - 7. Gender
 - 8. Race
 - 9. Eye color
 - 10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 - 11. Date of the drug test or refusal;
 - 12. Date of final dismissal or separation from the agency; and
 - 13. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- C. The certification section of the notification form must be completed by the Sheriff and notarized with a raised seal.
- D. Notifications to the Central Drug Registry shall be sent to:

Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068

- E. Information contained in the Central Drug Registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; or
 2. In response to a court order.

XIV. Employee Assistance Program

- A. The County of Bergen provides an Employee Assistance Program (EAP). The purpose of this program is to provide employees or their family members with confidential and professional counseling for any personal concerns.
- B. The Bergen County Sheriff's Office makes the Employee Assistance Program available to all employees. Refer to **GO 06-1.31 Employee Assistance Program**.

XV. Notification to the County Prosecutor

- A. In the event of (1) a random drug test occurs and results in a positive drug test result; or (2) the administration of a reasonable suspicion drug test of an officer yields a positive result; or (3) a random or reasonable suspicion test is requested and the subject refuses that request, the Sheriff or a designee must complete the "Notification of Drug Testing" form for every officer that meets one of the above "positive" conditions. The Notification of Drug Testing form must be delivered to the Bergen County Prosecutor's Office within ten (10) calendar days (including weekends and holidays) from the date of testing. Forms can be hand-delivered and/ or mailed (stamped "Confidential") to:

Bergen County Prosecutor's Office
c/o Confidential Investigations Unit
Two Bergen County Plaza
Hackensack, NJ 07601

1. Law enforcement agencies are not required to submit Notification of Drug Testing forms to the Bergen County Prosecutor for situations where an officer is tested, but did not meet one of the conditions above (a "negative" result). However, law enforcement agencies are required to keep track of all positive and negative drug tests within their own agency to comply with the Attorney General's required annual reporting requirements.
- B. The Bergen County Sheriff's Office shall submit the "Annual Results of Drug Testing" form to the County Prosecutor indicating the dates of testing (two or more) for that calendar year, the total number of sworn officers in that law enforcement

agency, the total number of sworn officers tested, the total number of sworn officers that tested positive, the total number of sworn officers who refused a test. The Annual Results of Drug Testing form must be submitted to the Bergen County Prosecutor's Office by December 1st of each calendar year. In order to meet that deadline, we suggest that the second random testing be scheduled prior to October 1st of each year. The completed form can be hand-delivered and/ or mailed (stamped " Confidential") to:

Bergen County Prosecutor's Office
c/o Confidential Investigations Unit
Two Bergen County Plaza
Hackensack, NJ 07601

XVII. Public Accessibility and Confidentiality

- A. The Bergen County Sheriff's Office Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section XV, also shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this general order that identify specific officers are confidential and not subject to public disclosure.

BERGEN COUNTY SHERIFF'S OFFICE
ACKNOWLEDGEMENT AND CONSENT
APPLICANT DRUG SCREENING

I, _____, understand that as part of the pre-employment process, the Bergen County Sheriff's Office will conduct a comprehensive background in an effort to determine my suitability to fill the position for which I have applied. I further understand that as part of the employment process, I will be required to submit to and perform certain medical and physical examinations. In accordance with the efforts of the Bergen County Sheriff's Office to select only the most qualified individuals for safety sensitive functions, I hereby consent to all conditions of the Bergen County Sheriff's Office drug testing policy, including but not limited to the collection, testing and reporting of results.

I understand that a negative result (no presence of drugs) is a required condition of employment with the Bergen County Sheriff's Office. I also understand that refusing to provide a specimen or tampering, diluting, or switching a specimen will result in rejection of my application for employment and withdrawal of a conditional offer of employment.

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 employment with a criminal justice agency.

I understand that in the event of a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement positions in the State of New Jersey for a period of two years from the date of the test. After this two year period, my drug testing results may be considered in future applications for employment.

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 will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I acknowledge receipt of the Bergen County Sheriff's Office drug screening policy. In connection with this testing, I hereby release and hold harmless the Bergen County Sheriff's Office and employees thereof for any liability resulting from the request to provide a specimen, the testing and subsequent decisions made concerning my employment status based on these test results.

SIGNATURE

DATE

WITNESS

DATE

BERGEN COUNTY SHERIFF'S OFFICE
DRUG TESTING MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

✓ Check all that apply:

A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

B. During the past 14 days, I have taken the following non-prescription medications:
(cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

Social Security Number and Initials

Date

Signature of Witness

Date

BERGEN COUNTY SHERIFF'S OFFICE
ACKNOWLEDGEMENT AND CONSENT
TRAINEE DRUG SCREENING

I, _____, understand that as part of the program of training at the Bergen County Sheriff's Office, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative result (no presence of drugs) is a required condition of my continued attendance at the academy.

I understand that I can refuse to undergo testing. I understand that if I refuse, I will be dismissed from the academy and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify the Bergen County Sheriff's Office of the positive test result. In addition, I will be permanently dismissed from my law enforcement position.

I understand 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 employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from serving as a law enforcement officer in New Jersey.

I acknowledge receipt of the Bergen County Sheriff's Office drug screening policy. In connection with this testing, I hereby release and hold harmless the Bergen County Sheriff's Office and employees thereof for any liability resulting from the request to provide a specimen, the testing and subsequent decisions made concerning my employment status based on these test results.

SIGNATURE

DATE

WITNESS

DATE

BERGEN COUNTY SHERIFF'S OFFICE
ACKNOWLEDGMENT AND CONSENT
RANDOM SCREENING

I, _____, acknowledge reading and understanding the requirements of the *GO 06-1.30 Drug Free Workplace- Law Enforcement Employees*. In order to continue employment, I will be subject to random drug testing. I further understand the following:

1. I have been informed that the Bergen County Sheriff's Office conducts random drug screening of its trainees, employees and members. This testing is in accordance with *New Jersey Attorney General Guidelines "Law Enforcement Drug Testing Policy"* and *GO 06-1.30 Drug Free Workplace- Law Enforcement Employees*.
2. A condition of my employment with the Bergen County Sheriff's Office is compliance with regulations relating to the testing for the improper or illegal use of drugs by individuals in safety sensitive positions. The specimen collection procedures have been outlined in the policy. The procedures will afford privacy and ensure that the specimen is genuine. Violation of this policy will result in my immediate suspension without pay and discipline up to and including dismissal.
3. In the event I am unable to provide a urine specimen, liquids will be provided to me over a two hour period. At the end of a reasonable amount of time, if I am still unable to provide a specimen, I will be ordered to obtain a medical certification explaining the medical basis for my failure to provide the specimen. If no medical basis is indicated, the inability to provide a specimen will be considered refusal, resulting in immediate suspension without pay, and discipline up to and including dismissal.
4. I understand if I produce a positive test result for illegal drug use, the 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 employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from serving as a law enforcement officer in New Jersey.

5. In connection with this testing, I hereby release and hold harmless the Bergen County Sheriff's Office and employees thereof for any liability resulting from the request to provide a specimen, the testing and subsequent decisions made concerning my employment status based on these test results.

SIGNATURE

DATE

WITNESS

DATE

BERGEN COUNTY SHERIFF'S OFFICE
ORDER TO SUBMIT
REASONABLE SUSPICION SCREENING

After careful consideration of the information presented to me, I agree that reasonable suspicion exists to order drug screening under *GO 06-1.30 Drug Free Workplace- Law Enforcement Employees*. Accordingly, you are hereby ordered to submit a urine specimen.

After the specimen is obtained, you will be suspended with or without pay or placed on modified assignment pending the test results. If both initial and confirming tests are positive, you will be subject to appropriate disciplinary action determined by the Sheriff or designee. If you refuse to provide a specimen or attempt to tamper, dilute, or switch a specimen you will be suspended without pay, pending a hearing wherein your employment with the Bergen County Sheriff's Office will be terminated.

OFFICIAL ORDERING TEST

DATE

POSITION

SUSPECTED INDIVIDUAL

DATE

BERGEN COUNTY SHERIFF'S OFFICE
ACKNOWLEDGMENT AND CONSENT
REASONABLE SUSPICION SCREENING

The Bergen County Sheriff's Office has informed me that they have reasonable suspicion that I may be using drugs, narcotics or chemicals which may affect my continued employment. I further understand the following:

1. I have been informed that the Bergen County Sheriff's Office screens its applicants, trainees, employees and members for substance abuse. This testing is in accordance with *New Jersey Attorney General Guidelines "Law Enforcement Drug Testing Policy"* and *GO 06-1.30 Drug Free Workplace- Law Enforcement Employees*.
2. A condition of my employment with the Bergen County Sheriff's Office is compliance with regulations relating to the testing for the improper or illegal use of drugs by individuals in safety sensitive positions. The specimen collection procedures have been outlined in the policy. The procedures will afford privacy and ensure that the specimen is genuine. Violation of this policy will result in my immediate suspension without pay.
3. In the event I am unable to provide a urine specimen, liquids will be provided to me over a two hour period. At the end of a reasonable amount of time, if I am still unable to provide a specimen, I will be ordered to obtain a medical certification explaining the medical basis for my failure to provide the specimen. If no medical basis is indicated, the inability to provide the specimen will be considered a refusal and I will be suspended without pay, pending a hearing.
4. After providing a specimen for testing, I will be suspended with or without pay or placed on modified assignment pending the test results.
5. I understand if I produce a positive test result for illegal drug use, the 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 employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from serving as a law enforcement officer in New Jersey.

6. In connection with this testing, I hereby release and hold harmless the Bergen County Sheriff's Office and employees thereof for any liability resulting from the request to provide a specimen, the testing and subsequent decisions made concerning my employment status based on these test results.

SIGNATURE

DATE

WITNESS

DATE

BERGEN COUNTY SHERIFF'S OFFICE
REFUSAL TO PROVIDE SPECIMEN

I, _____ hereby refuse to provide a urine specimen to authorized Sheriff's Office personnel for the purpose of conducting a drug screening in accordance with *New Jersey Attorney General Guidelines "Law Enforcement Drug Testing Policy"* and *GO 06-1.30 Drug Free Workplace- Law Enforcement Employees*. I recognize that my refusal to submit to testing will be communicated to the Sheriff of Bergen County.

In accordance with the employment policies adopted by the Bergen County Sheriff's Office, I recognize that my refusal will make me ineligible for employment if I am an applicant. If I am a sworn officer or trainee, my refusal will subject me to discipline up to and including dismissal.

A sworn law enforcement officer or trainee who tests positive for illegal drug use or refuses to submit to a drug test, or who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Sheriff's Office to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

I further recognize that my refusal to submit to testing will be communicated to Bergen County Sheriff or his designee responsible for the administration of the Bergen County Sheriff's Office Drug Testing Policy.

SIGNATURE

DATE

WITNESS

DATE

COMMENTS

BERGEN COUNTY PROSECUTOR'S OFFICE NOTIFICATION OF DRUG TESTING	
TESTED OFFICER	Name:
	Rank: Social Security No.:
	Municipality:
OFFICER REQUESTING THE TEST	Name/Rank:
	Date of Request:
NOTIFICATION OF POSITIVE RESULT (CHECK ONE)	
<input type="checkbox"/> POSITIVE RANDOM TEST	On the above referenced date, the tested officer, who was randomly selected, yielded a positive drug test result.
<input type="checkbox"/> REFUSAL OF RANDOM TEST	On the above referenced date, the officer refused to provide a testing sample for a random drug test.
<input type="checkbox"/> POSITIVE REASONABLE SUSPICION TEST	On the above referenced date, based on the administration of a reasonable suspicion drug test, the tested officer yielded a positive drug test result.
<input type="checkbox"/> REFUSAL OF REASONABLE SUSPICION TEST	On the above referenced date, the officer refused to provide a testing sample for a reasonable suspicion drug test.
PARTY MAKING NOTIFICATION TO COUNTY	
Party making notification:	Date of Notification:



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BERGEN COUNTY PROSECUTOR'S OFFICE ANNUAL RESULTS OF DRUG TESTING
Department: _____
Year: _____

TOTAL NUMBER OF SWORN OFFICERS IN THE ENTIRE DEPARTMENT	_____
DATES OF RANDOM TESTING (must list 2 or more dates in calendar year)	FIRST TEST: _____ SECOND TEST: _____
TOTAL NUMBER OF SWORN OFFICERS RANDOMLY TESTED FOR EACH DATE AND TOTAL	FIRST TEST: _____ SECOND TEST: _____ TOTAL TESTED: _____
TOTAL NUMBER OF SWORN OFFICERS WHO TESTED POSITIVE IN A DRUG TEST IN THE CALENDAR YEAR	FIRST TEST: _____ SECOND TEST: _____ REASONABLE SUSPICION TEST: _____ TOTAL POSITIVE TESTS: _____
TOTAL NUMBER OF SWORN OFFICERS WHO REFUSED A DRUG TEST	REFUSED RANDOM TEST: _____ REFUSED REASONABLE SUSPICION TEST: _____ TOTAL REFUSED TESTS: _____

PARTY MAKING NOTIFICATION TO COUNTY	
Party making notification: _____	Date of Notification: _____



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