

Cannabis, Drug and Alcohol Policy

Purpose

The Township of _____ recognizes that the possession and/or use of cannabis related products, alcohol and/or other illegal intoxicating substances at the workplace and/or during work hours poses a threat to the health and safety of all employees as well as the public.

The Township of _____ maintains a drug free workplace consistent with the requirements of N.J.S.A. 24:6I-52, et. seq. Thus, the manufacturing, distribution, dispensation, possession, and use of cannabis products, alcohol, or other illegal intoxicating substances on the premises of the Township of _____ or during work hours is strictly prohibited.

Testing

An employee may be required to submit to drug testing upon reasonable suspicion of an employee's use of a cannabis item, alcohol or other illegal intoxicating substance while engaged in the performance of the employee's work responsibilities, or upon finding any observable signs of intoxication related to usage of a cannabis item, alcohol, or other intoxicating substance, or following a work-related accident subject to investigation by the Township.

Examples of the foregoing may include, but are not limited to:

1. When a Supervisor or Department Head observes that the conduct, reactions, job performance, work habits, physical symptoms, or appearance of the employee are indicative of the use or being under the influence of cannabis, alcohol, or other intoxicating substance while on the premises and/or during working hours.
2. When a Supervisor or Department Head receives information from a source deemed credible that an employee used or is under the influence of cannabis, alcohol, or other intoxicating substance while on the premises or during working hours or immediately before reporting to work.
3. When an employee is involved in an accident or incident during working hours which caused or contributed to substantial injury to person or property (or had the potential for doing so), or where there is evidence that the accident may have resulted, in whole or part, from the use of cannabis alcohol or other intoxicating substance.

A scientifically reliable objective testing method that indicates the presence of cannabinoid metabolites in the employee's bodily fluid alone is insufficient to support an adverse employment action. However, such a test combined with evidence-based documentation of physical signs or other evidence of impairment or use during an employee's prescribed work hours may be sufficient to support adverse action.

Thus, and until such time as the New Jersey Cannabis Regulatory Commission (NJCRC) establishes standards governing Workplace Impairment Recognition Experts (WIRE), who will assist in documenting, detecting and identifying an employee's usage of or impairment from a cannabis

item or other intoxicating substance, Department Heads, Supervisors and/or other designated personnel shall document evidence of workplace use and/or physical signs and evidence that support a determination that the employee is reasonably suspected of being under the influence of cannabis, alcohol or an intoxicating substance during the employee's prescribed work hours. Supervisors, Department Heads and/or other designated personnel shall document their findings in a Reasonable Suspicion Observed Behavior Report.

Reasonable suspicion of impairment may exist when the employee manifests specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position.

Specific articulable symptoms of impairment that decrease or lessen the employee's performance of duties or tasks of the employee's job position, include but are not limited to:

- speech,
- physical dexterity,
- agility,
- coordination,
- demeanor,
- irrational or unusual behavior,
- negligence or carelessness in operating equipment or machinery,
- disregard for the safety of the employee or others, or
- involvement in an accident or other carelessness that results in an injury to the employee or others
- significant deterioration in work performance, absenteeism, or
- an individual's appearance indicating substance abuse.

Supervisors, Department Heads and/or designated personnel that observe behavior constituting reasonable suspicion are required to initiate testing procedures as set forth above and do not have the option of sending the employee home as an alternative. Refusal to submit to testing when requested may result in immediate disciplinary action, up to and including termination.

The Township of _____ may use the results of the drug test when determining the appropriate employment action concerning the employee, including, but not limited to dismissal, suspension, demotion, or other disciplinary action.

A drug test may also be conducted randomly by the Township, or as part of a pre-employment screening, or regular screening of current employees to determine use during an employee's prescribed work hours.

Township of _____ personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.