WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

DRUG AND ALCOHOL ABUSE POLICY

POLICY# S & T 2.2

DATE ADOPTED 11/13/01

DATE REVISED

PURPOSE OF POLICY: **THE WESTVILLE FIRE DISTRICT HAS DETERMINED THAT THERE EXISTS A NEED FOR A DRUG AND ALCOHOL TESTING PROGRAM, WITH THE GOAL THAT ALL ACTIVE PERSONNEL, EMPLOYEES AND VOLUNTEERS UTILIZING FIRE DISTRICT APPARATUS AND/OR EQUIPMENT WILL BE DRUG AND ALCOHOL FREE, WHICH GOAL SHALL BE ACCOMPLISHED THROUGH IMPLEMENTATION OF A COMPREHENSIVE ANTI-DRUG AND ALCOHOL PROGRAM BASED ON DETERRENCE, DETECTION, ASSISTANCE AND ENFORCEMENT**

1. Upon adoption of this policy, all persons approved for employment by the Board of Fire Commissioners, must take a pre-employment substance test prior to employment. If the applicant tests positive, they will not be considered for employment.

2. Upon adoption of this policy, the Westville Fire Department must submit a list of personnel that it has determined are qualified to ride Fire District apparatus, and use Fire District equipment that is the property of the citizens of Westville, NJ. The Fire District Commission will approve this list, granting permission for those listed to ride the Fire District apparatus and use Fire District equipment. If there is any addition or removal of personnel listed, a new list must be presented to the Fire District Commissioners for approval. All personnel on the list must sign a copy of this policy stating they have read this policy and agree to its conditions. All employees must agree to participate in the program as a condition of employment. The signed copies of this policy will be kept in the personnel folder of each member or employee.

3. All personnel involved in Westville Fire District safety sensitive functions, employees or volunteers, will be entered into a yearly, unannounced, substance testing program. A computer based random number generator that is matched with the employee's or volunteer's social security number will accomplish selection of persons to be tested.

4. This policy and the Testing Guidelines attached to the policy will apply to all Firefighting and Emergency Medical Technician employees of the Westville Fire District No. 1, as well as the Fire Fighting and Emergency Medical Technician members of the Westville Volunteer Fire Department.

   When the term employer is used in the guidelines, it will stand for:

   4.1 The Westville, NJ Fire District when employees of the Fire District are involved.
   4.2 The Westville Volunteer Fire Department when members of the Fire Department are involved.

5. All testing will be done at the Fire District's current medical testing facility. All screening will be done through urinalyses or in the case of an accident (as defined in section 13), it will be done through a breathalyzer test and urinalyses.

6. The following drugs will be included in the screen for detection:

   6.1 amphetamines
   6.2 barbiturates
   6.3 benzodiazepines
   6.4 cannabinoid
   6.5 Cocaine (metab.)
   6.6 Opiates
   6.7 Phencyclidine

7. The maximum blood alcohol level limit will be .04.

8. Any employee of the Fire District who has a drug problem must notify the Fire District designee immediately.

   Any volunteer of the Fire Department who has a drug problem, must notify the Fire District designee immediately.

   In the case of an employee testing positive for any substance prior to having reported the problem to the Fire District designee, the result will be immediate dismissal of the employee.

   With notification to the Fire District designee of a drug problem, the employee will be placed out of work. The employee must enter into a drug abuse counseling program at their own expense, or through their own personal insurance carrier.

   To return to work the employee must be cleared, in writing, from the substance counseling agency and produce a negative substance test.

   In the case of a volunteer, any Westville Fire Department volunteer who tests positive for drug abuse will have their name removed from the list currently approved by the Fire Commissioners of those volunteers who have permission to ride the Fire District apparatus or use Fire District equipment.

   The volunteer must enter into a complete a drug abuse counseling program, paid for by the volunteer, and have a negative substance test to have their name placed back on the permission list to ride the Fire District equipment.

   All volunteers who test positive must agree to be tested yearly, on a random basis, to have their name remain on the permission list to ride Fire District apparatus.

9. In case of alcohol abuse, all personnel, employee and volunteers, who exceed the legal level of .04 blood alcohol level substance tests, will be subject to the following penalties:

9.1	1st offense	-thirty (30) days suspension from the Fire District duty
9.2	2nd offense	-six (6) months suspension from the Fire District duty
9.3	3rd offense	- permanent dismissal from Fire District duty

For employees, the penalty will be without pay or benefits (except for health benefits).

10. The Westville Fire District will pay for all pre-employment and random testing. In addition, the Westville Fire District will pay for any testing that occurs as a result of an accident or injury.

11. Notification for testing will be done through the Fire District designee. Personnel will sign a form stating that they received notification of mandatory substance testing and must take the test within forty-eight (48) hours of the notice.

12. Results of the test will be kept in the tested person's personnel file, located in a locked cabinet in the Commission Office, 23 West Olive Street, Westville, NJ. Personnel tested will be notified, in writing, of the test results and of the procedures that are to be followed as a result of positive test results.

13. As a result of an accident or injury, resulting in a visit to a hospital for some type of trauma to personnel or someone else, a substance abuse test shall be taken in the time frame as stated above.

14. Any volunteer who refuses to provide a specimen in conformance with this policy will be subjected to the same penalties as a volunteer who tests positive.

Refusals by any volunteer to sign a copy of this policy stating that they have read this policy and agree to follow its requirements will result in removal of that person's name from the permission to ride apparatus.

15. Refusal by any employee to sign this agreement stating that they have read this policy and agree to follow its requirements will result in immediate termination of the employee.

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2

DATE ADOPTED 11/13/01

DATE REVISED 10/26/10

PURPOSE OF POLICY: PREPARATION FOR TESTING

The employer and certified laboratory shall develop and maintain a clear and well documented procedure for collection, shipment and accessioning of urine specimens under this part. Such a procedure shall include, at a minimum, the following:

(a)(1) Except as provided in paragraph (a)(2) of this section, use of the Federal Drug Testing Custody and Form prescribed under this part.

(a)(1)(I) This form is found in Appendix A to this part,

(a)(1)(II) Employers and other participants in the Westville Fire District drug testing program may not modify or revise this form, except that the drug custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection provided that personal identifying information on the donor (other that social security number or other employee ID number) may not be provided to the laboratory.

(a)(1)(III) Donor medical information may appear only on the copy provided the donor.

(b)(1) Use of a clean, single use specimen bottle that is securely wrapped until filled with the specimen. A clean single use collection container (e.g. disposable cup or sterile urinal) that is wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided and the collection site person shall unwrap the specimen bottle in the presence of the employee at the time the urine specimen is presented.

(b) (2) Use of tamperproof sealing system, designed in a manner such to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form, and shall be provided to initial the bottle affirming its identity. For purposes of clarity, this part assumes use of a system made up of one or more preprinted labels and seals (or a unitary label/seal), but use of other, equally effective technologies is authorized.

(c) Use of shipping container in which the specimen and associated paperwork may be transferred and which can be sealed and initialed to prevent undetected tampering. If the split specimen option is exercised, the split specimen and associated paperwork shall be sealed in a shipping (or storage) container and initialed to prevent undetected tampering.

(d) Written procedures. Instructions and training shall be provided as follows;

(d)(1) Employer collection procedures and training shall clearly emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the donor, and is to avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

(d)(2) A collection site person shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who is provided instructions for collection under this part and certifies completion as required in this part.

(d)(2)(I) A non-medical collection site person shall receive training in compliance with this part and shall demonstrate proficiency in the application of this part prior to serving as a collection site person. A medical professional, technologist or technician licensed or otherwise approved to practice in the jurisdiction in which the collection takes place is not required to receive such training if that person is provided instructions described in this part and performs collections in accordance with those instructions.

(d)(2)(II) Collection site persons shall be provided with detailed, clear instructions on the collection of specimens in compliance with this part. Employer representatives and donors subject to testing shall also be provided standard written instructions setting forth their responsibilities.

(d)(3) Unless it is impracticable for any other individual to perform this function, a direct supervisor of an employee shall not serve as the collection site person for a test of the employee. If the rules of the Westville Fire District are more stringent than this provision regarding the use of supervisors as collection site personnel, the Westville Fire District rules shall prevail with respect to testing to which they apply.

(d)(4) In any case where a collection is monitored by non-medical personnel or is directly observed, The collection site person shall be of the same gender as the donor. A collection is monitored for this purpose if the enclosure provides less than complete privacy for the donor (e.g., if a restroom stall is used and the collection site person remains in the restroom, or if the collection site person is expected to listen for use of unsecured sources of water.)

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PART TWO: SPECIMEN COLLECTION PROCEDURE

(A) **Designation of collection site**-(1) Each employer drug testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory. An independent medical facility may also be utilized as a collection site provided the other applicable requirements of this part are met.

(a)(2) A designated collection site may be any suitable location where a specimen can be collected under conditions set forth in this part, including a properly equipped mobile facility. A designated collection site shall be a location having an enclosure within which private urination can occur, a toilet for completion of urination (Unless a single use collector is used with sufficient capacity to contain the void), and a suitable clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs.

(b) **Security**-The purpose of this paragraph is to prevent unauthorized access, which could compromise the integrity of the collection process or the specimen.

(b)(1) Procedures shall provide for the designated collection site to be secured. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

(b)(2) A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in a view of the collection site person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.

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(b)(3) If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures shall apply. The specimen shall remain under the direct control of the collection site person from delivery to its

being sealed in the mailer. The mailer shall be immediately mailed, maintained in secure storage, or remain

Until mailed under the personal control of the collection site person.

(c) **Chain of custody-** The chain of custody block of the drug testing custody and control form shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Since specimens and documentation are sealed in shipping containers that would indicate any tampering during transit to the laboratory and couriers express carriers and postal service personnel do not have access to the chain of custody forms, there is no requirement that such personnel document chain of custody for the shipping container during transit. Nor is there a requirement that there be a chain of custody entry when a specimen which is sealed in such a shipping container is put into or taken out of secure storage at the collection site prior to pickup by such personnel. This means that the chain of custody is not broken, and a test shall not be cancelled, because couriers, express carriers, postal service personnel, or similar persons involved solely with the transportation of a specimen to a laboratory, have not documented their participation in the chain of custody documentation or because the chain of custody does not contain entries related to putting the specimen into or removing it from secure temporary storage at the collection site. Every effort shall be made to minimize the number of persons handling specimens.

(d) **Access to authorized personnel only**- No unauthorized personnel shall be permitted in any part of the Designated collection site where urine specimens are collected or stored. Only the collection site person May handle specimens prior to their securement in the mailing container or monitor or observe specimen collection (under the conditions specified in this part). In order to promote security of specimens, avoid distraction of the collection site person and ensure against any confusion in the identification of specimens, the collection site person shall have only one donor under his or her supervision at any time. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialed, the drug testing custody and control form has been executed, and the employee has departed the site(or, in the case of an employee who was unable to provide a complete specimen, has entered a waiting area).

(e) **Privacy**-(1) Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in this paragraph.

(e)(2) For purposes of this part, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may alter or substitute the specimen.

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(e)(2)(i) The employee has presented a urine specimen that falls outside the normal temperature range (32-38 C/

90-100F), and

(e)(2)(i)(A) The employee declines to provide a measurement of body temperature (taken by a means other than use of a rectal thermometer), as provided in paragraph (f)(14) of the part; or

(e)(2)(i)(B) Body temperature varies by more than 1C/ 1.8 F from the temperature of the specimen;

(e)(2)(ii) The last urine specimen provided by the employee (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1,003 and a creatinine concentration below .2g/L;

(e)(2)(iii) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g, substitute urine in plain view, blue dye in specimen presented, etc.); or

(e)(2)(iv) the employee has previously been determined to have used a controlled substance with-out medical authorization and the particular test was being conducted under a Westville Fire District regulation providing for follow up testing upon or after return to service.

(e)(3) A higher level supervisor of the collection site person, or a designated employer representative, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described in subparagraph (2) of this paragraph.

(f) **Integrity and identity of specimen-** Employers shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

(f)(1) To deter the dilution of specimens at the collection site, toilet-bluing agents shall be placed in toiler tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

(f)(2) When an individual arrives at the collection site, the collection site person shall ensure that the individual is identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the employer's representative). If the individual's identify cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person shall show his/her identification to the employee.

(f)(3) If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.

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(f)(4) The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remains with the outer garments. The individual may retain his or her wallet. If the

employee requests it; the collection site personnel shall provide the employee a receipt for any personal belongings.

(f)(5) The individual shall be instructed to wash and dry his or her hands prior to urination.

(f)(6) After washing hands, the individual shall remain in the presence of the collection site person and shall not Have access to any water fountain, faucet, and soap dispenser, cleaning agent or any other materials, which Could be used to adulterate the specimen.

(f)(7) The individual may provide his/her specimen in the privacy of a stall or otherwise partitioned area that Allows for individual privacy. The collection site person shall provide the individual with a specimen Bottle or collection container, if applicable, for this purpose.

(f)(8) The collection site person shall note any unusual behavior or appearance on the urine custody and control Form.

(f)(9) In the exceptional event that an employer designated collection site is not accessible and there is an Immediate requirement for specimen collection (e.g., circumstances require a post accident test), a public Rest room may be used according to the following procedures: A collection site person of the same gender As the individual shall accompany the individual into the public rest room which shall be made secure during The collection procedure. If possible, a toilet-bluing agent shall be placed in the bowl and any accessible Toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen Is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the Collection site person has possession of the specimen, the individual will be instructed to flush the toilet and To participate with the collection site person in completing the chain of custody procedures.

(f)(10) The collection site person shall instruct the employee to provide at least 45 ml of urine under the split Sample method of collection or 30 ml of urine under the single sample method of collection.

(f)(10)(i) Employers using the split sample method collection shall follow the procedures in this paragraph (f)(10)(i):

(f)(10)(i)(A) The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60ml.

(f)(10)(i)(C) If a single specimen bottle is used as a collection container, the collection site person, in the presence of the donor, shall pour 15 ml of urine from the specimen bottle into a second specimen bottle (To be used as the split specimen) and retain the remainder (at least 30 ml) in the collection bottle (to be used as the primary specimen).

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(f)(10)(i)(C) Nothing in this section precludes the use of a collection method or system that does not involve the physical pouring of urine from one container or bottle to another by the collection site person, provided

that the method or system results in the subdivision of the specimen into a primary (30 ml) and a split (at least 15 ml) specimen that can be transmitted to the laboratory and tested in accordance with the requirements of this Subpart.

(f)(10)(i)(D) Both bottles shall be shipped in a single shipping container, together with copies 1,2 and the split specimen copy of the chain of custody form, to the laboratory.

(f)(10)(i)(E) If the test result of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be tested in a different DHHS certified laboratory for presence of the drug (s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.

(f)(10)(i)(F) When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward, to a different DHHS approved laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain of custody entries.

(f)(10)(i)(G) The result of the test of the split specimen is transmitted by the second laboratory to the MRO.

(f)(10)(i)(H) Action required by the Westville Fire District regulations as the result of a positive drug test (e.g., removal from performing a safety sensitive function) is not stayed pending the result of the test of the split specimen.

(f)(10)(i)(I) If the result of the test of the split specimen fails to reconfirm the presence of the drug (s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the Westville Fire District and the employee.

(f)(10)(II) Employers using the single sample collection method shall follow the procedures in this paragraph:

(f)(10)(ii)(A) The collector may choose to direct the employee to urinate either directly into a specimen bottle or into a separate collection container.

(f)(10)(ii)(B) If a separate container is used, the collection site person shall pour at least 30 ml of the urine from the the collection container into the specimen bottle in the presence of the employee.

(f)(10)(III)(A)(1) In either collection methodology, upon receiving the specimen from the individual, collection site person shall determine if the specimen has at least 30 milliliters of urine for a single specimen collection or 45 milliliters or urine for a specimen collection.

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(f)(10)(III)(A)(2) If the individual has not provided the required quantity of urine, the specimen shall be discarded. The Collection site person shall direct the individual to drink up to 40 ounces of fluid, distributed reasonably

through a period of up to three hours or until the individual has provided a new urine specimen, which ever occurs first. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site person shall terminate the collection and notify the employer that the employee has refused to submit to testing.

(f)(10)(iii)(A)(3) If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection site person shall discontinue the collection and notify the employer.

(f)(10(iii)(B) The employer shall direct any employee who does not provide a sufficient urine specimen (see paragraph (f)(10)(iii)(A)(3) of this section) to obtain, as soon as possible after the attempted provision of urine, an evaluation from a licensed physician who is acceptable to the employer concerning the employee's ability to provide an adequate amount of urine.

(f)(10(iii)(B)(1) If the physician determines, in his or her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of urine, the employee's failure to provide an adequate amount of urine shall not be deemed a refusal to take a test. For purposes of this paragraph, a medical condition includes an ascertainable physiological condition (e. g., a urinary system dysfunction) or a documented preexisting psychological disorder, but does not include unsupported assertions of "situational anxiety" or dehydration. The physician shall provide to the MRO a brief written statement setting forth his or her conclusion and the basis for it, which shall not include detailed information on the medical condition of the employee. upon receipt of this statement, the MRO shall report his or her conclusions to the employer in writing.

(f)(10)(iii)(B)(2) If the physician, in his or her reasonable medical judgment, is unable to make the determination set forth in paragraph (f)(10)(iii)(B)(1) of this section, the employee's failure to provide an adequate amount of urine shall be regarded as a refusal to take a test. The physician shall provide to the MRO a brief written statement setting forth his or her conclusion and the basis for it, which shall not included detailed information on the medical condition of the employee. Upon receipt of this statement, the MRO shall report his or her conclusions to the employer in writing.

(f)(11) After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.

(f)(12) Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. the temperature-measuring device must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.

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(f)(13) A specimen temperature outside the range of 32—38C / 90—100 constitutes a reason to believe that the believe that the individual has altered or substituted the specimen (see paragraph (e)(2)(i) of this section).

In such cases, the individual supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen .

(f)(14) Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.

(f)(15) All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

(f)(16) Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in paragraph (e)(2)(i) or (iii) of this section, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.

(f)(17) Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed (by placement of a tamperproof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.

(f)(18) The collection site person and the individual being tested shall be present at the same time during procedures outlined in paragraphs (f) (19) (f) (22) of this section.

(f)(19) The collection site person shall place securely on the bottle an identification label, which contains the date, the individual's specimen number and any other identifying information provided or required by the employer. If separate from the label, the tamperproof seal shall also be applied.

(f)(20) The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from his or her.

(f)(21) The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable requirements.

(f)(22)(i) The individual shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from his or her is in fact the specimen he or she provided.

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(f)(22)(ii) When specified by the Westville Fire District regulation or required by the collection site (other than an employer site) or by the laboratory, the employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer. The employee may not be required to waive liability with respect to negligence on the

part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

(f)(23) The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.

(f)(24) The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguard during temporary storage.

(f)(25)(i) While any part chain of custody procedures us being performed, it is essential that the urine specimen and custody documents are under the control of the involved collection site person. If the involved collection site person leaves his or her workstation momentarily, the collection site person shall take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person is leaving for an extended period of time, he or she shall package the specimen for mailing before leaving the site.

(f)(25)(ii) The collection site person shall not leave the collection site in the interval between presentations of the specimen of the specimen by the employee and securement of the sample with an indentifying label bearing the employee's specimen identification number (shown on the urine custody and control form) and seal initiated by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and (at the election of the employer) a new collection begun.

(g) **Collection control-** To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled.

(h) **Transportation to laboratory-** Collection site personnel shall arrange to ship the collected specimen to the drug Testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers); and those containers shall be securely sealed to eliminate the possibility of undetected tampering with the specimen and/or the form. On the tape sealing the shipping container, the collection site person shall sign and enter the date specimens were sealed in the shipping container for shipment. The collection site person shall ensure that the chain of custody

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documentation is enclosed in each container sealed for shipment to the drug-testing laboratory. Since specimens and documentation are sealed in shipping containers that would indicate any tampering during transit to the laboratory and couriers, express carriers and postal service personnel do not have access to the chain of custody forms, there is no requirement that such personnel document chain of custody for the shipping container during

transit. Nor is there a requirement that there be a chain of custody entry when a specimen which is sealed in such a shipping container is put into or taken out of secure storage at the collection site prior to pickup by such personnel. This means that the chain of custody is not broken, and a test shall not be canceled, because couriers, express carriers, postal service personnel, or similar persons involved solely with the transportation of a specimen to a laboratory, have not determined their participation in the chain of custody documentation or because the chain of custody does not contain entries related to putting the specimen into or removing it from secure temporary storage at the collection site.

(i) **Failure to cooperate-**If the employee refuses to cooperate with the collection process, the collection site person shall inform the employer representative and shall document the non-cooperation on the drug testing and control form.

(j) **Employee requiring medical attention-** If the sample is being collected from an employee in need of medical attention (e.g., as part of a post accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen.

(k) **Use of chain of custody form-** A chain of custody form (and a laboratory internal chain of custody document, where applicable), shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The dates and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain of custody shall be identified. Since specimens and documentation are sealed in shipping containers that would indicate any tampering during transit to the laboratory and couriers, express carriers, and postal service personnel do not have access to the chain of custody forms, there is no requirement that such personnel document chain of custody for the shipping container during transit. Nor is there a requirement that there be a chain of custody entry when a specimen which is sealed in such a shipping container is put into or taken out of secure storage at the collection site prior to pickup by such personnel. This means that the chain of custody is not broken, and a test shall not be canceled, because couriers, express carriers, postal service personnel, or similar persons involved solely with the transportation of a specimen to a laboratory, have not documented their participation in the chain of custody documentation or because the chain of custody does not contain entries related to putting the specimen into or removing it from secure temporary storage at the collection site. Every effort shall be made to minimize the number of persons handling specimens.

MRO-Medical Review Officer
DHHS-Department of Health & Human Service
Reference: USDOT Regulations 40.25

MRO-Medical Review Officer

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2 (Part III)

DATE ADOPTED 11/13/01

DATE REVISED

PART THREE: LABORATORY ANALYSIS PROCEDURES

(a) **Day to day management-**The laboratory shall have a qualified individual to assume professional, organizational, educational and administrative responsibility for the laboratory's urine drug testing facility.

(a)(2) This individual shall have documented scientific qualifications in analytical forensic toxicology. Minimum qualifications are:

(a)(2)(i) Certification as a laboratory director by a State in forensic or clinical laboratory toxicology; or

(a)(2)(I)(A) Appropriate experience in analytic forensic toxicology including experience with the analysis of biological material for drug of abuse, and

(a)(2)(I)(B) Appropriate training and/or experience in forensic applications of analytical toxicology, e.g, publications, court testimony, research concerning analytical toxicology of drugs of abuse, or other factors which qualify the individual as an expert witness in forensic toxicology.

(a)(2)(ii) A Ph. D. in one of the natural sciences with an adequate undergraduate and graduate education in biology, chemistry, and pharmacology; or

(a)(2)(iii) Training and experience comparable to a Ph.D. in one of the natural sciences, such as a medical or scientific degree with additional training and laboratory/research experience in biology, chemistry, and pharmacology; and

(a)(2)(iv) In addition to the requirements in paragraph or (a) (2) (I), (ii), or (iii) of this section, minimum qualifications also require;

(a)(3) This individual shall be engaged in and responsible for the day-to-day management of the drug testing laboratory even where another individual has overall responsibility for an entire multi specialty laboratory.

(a)(4) This individual shall be responsible for ensuring that there are enough personnel with adequate training and experience to supervise and conduct the work of the drug-testing laboratory. He or she shall assure the continued competency of laboratory personnel by documenting their in service training, reviewing their work performance, and verifying their skills.

(a)(5) This individual shall be responsible for the laboratory's having a procedure manual which is complete, up to date, and available for personnel performing tests, and followed by those personnel. The procedure manual shall be reviewed, signed, and dated by this responsible individual whenever procedures are first

placed into use or changed or when a new individual assumes responsibility for management of the drug testing laboratory. Copies of all procedures and dates on which they are in effect shall be maintained. (Specific contents of the procedure manual are described in Part 4(n)(1).

(a)(6) This individual shall be responsible for maintaining a quality assurance program to assure the proper performance and reporting of all test results, for maintaining acceptable analytical performance for all controls and standard, for maintaining quality control testing, and for assuring and documenting the validity, reliability, accuracy, precision, and performance characteristics of each test and test system.

(a)(7) This individual shall be responsible for taking all remedial actions necessary to maintain satisfactory operation and performance of the laboratory in response to quality control systems not being within performance specifications, errors in result reporting or in analysis of performance testing results. This individual shall ensure that sample results are not reported until all corrective actions have been taken and he or she can assure that the tests results provided are accurate and reliable.

(b) **Testing validation-**The laboratory's urine drug testing facility shall have a qualified individual(s) who review all pertinent data and quality control results in order to attest to the validity of the laboratory's test reports. A laboratory may designate more than one person to perform this function. This individual(s) may be any employee who is qualified to be responsible for day-to-day management or operation of the drug-testing laboratory.

(c) **Day to day operations and supervision of analysts-** the laboratory's urine drug testing facility shall have an individual to be responsible for day operations and to supervise the technical analysts. This individual(s) shall have at least a bachelor's degree in the chemical or biological sciences or medical technology or equivalent. He or she shall have training and experience in: the theory and quality control practices and procedures; the review, interpretation, and reporting of test results; maintenance of chain of custody; and, proper remedial actions to be taken in response to test systems being out of our control limits or detecting aberrant test or quality control results.

(d) **Other personnel-** Other technicians or non-technical staff shall have the necessary training and skills for the tasks assigned.

(e) **Training-**The laboratory's urine drug testing program shall make available continuing education programs to meet the needs of laboratory personnel.

(f) **Files**- Laboratory personnel files shall include: resume of training and experience; certification or license, if any; References; job descriptions; records of performance evaluation and advancement; incident reports; and results of tests which establish employee competency for the position he or she holds, such as a test for color blindness, if appropriate.

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2
ORIGINAL POLICY#
DATE ADOPTED 11/13/01
REVISION
DATE REVISED

PART FOUR: LABORATORY ANALYSIS PROCEDURES-PART II

(A) **Security and chain of custody- (**1) Drug testing laboratories shall be secure at all times. They shall have in place sufficient security measures to control access to the premises and to ensure that no unauthorized personnel handle specimens or gain access to the laboratory process or to areas where records are stored. Access to these secured areas shall be limited to specifically authorized individuals whose authorization is documented. With the exception of personnel authorized to conduct inspections on behalf of Federal agencies for which the laboratory is engaged in urine testing or on behalf of DHHS, all authorized visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, and time of entry and purpose of entry must Be maintained.

(a)(2) Laboratories shall use chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on an appropriate chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized technicians shall be responsible for each urine specimen or aliquot in their possession and shall sign and complete chain of custody forms for those specimens or aliquots as they are received.

(b) **Receiving**-(1) (i) When a shipment of specimens is received, laboratory personnel shall inspect each package For evidence of possible tampering and compare information on specimen bottles within each package to the Information on the accompanying chain of custody forms. Any direct evidence of tampering or discrepancies In the information on specimen bottles and the employer's chain of custody forms attached to the shipment shall Immediately reported to the employer and shall be noted on the laboratory's chain of custody form which shall Accompany the specimens while they are in the laboratory's possession.

MRO- Medical Review Officer
GC/MS-Gas Chromatography/Mass Spectrometry
DHHS- Department of Health & Human Services
Ref. USDOT Regulations 40.29

(b)(1)(II) Where the employer has used the split sample method, and the laboratory observes that the split specimen is attestable, inadequate, or unavailable for testing, the laboratory shall nevertheless test the primary specimen. The laboratory does not inform the MRO or the employer of the unsuitability, or unavailability of the split specimen until and unless the primary specimen is a verified positive test and the MRO has informed the laboratory that the employee has requested a test of the split specimen.

(b)(2) In situations where the employer uses the split sample collection method, the laboratory shall log in the split specimen, with the split specimen bottle seal remaining intact. The laboratory shall store this sample securely (see paragraph (m) of this section). If the result of the test of the test of the primary specimen is positive, the laboratory shall retain the split specimen in frozen storage for 60 days from the date on which the laboratory acquires it (see paragraph (h) of this section). Following the end of the 60-day period, if not informed by the MRO that the employee has requested a test of the split specimen; the laboratory may discard the split specimen.

(b)(3) When directed in writing by the MRO to forward the split specimen to another DHHS certified laboratory for analysis, the second laboratory shall analyze the split specimen by gas Chromatography/Mass Spectrometry (GC/MS) to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen. Such GUMS confirmation shall be conducted without regard to the cutoff levels of 40.29(f). The split specimen shall retained in long-term storage for one year by the laboratory conducting the analysis of the split specimen (or longer if litigation concerning the test is pending.)

(C) **Short term refrigerated storage-**Specimens that do not receive an initial test within 7 days of arrival at the laboratory shall be placed n secure refrigeration units. Temperatures shall not exceed 6C. Emergency power equipment shall be available in case of prolonged power failure.

(d) **Specimen processing-**Laboratory facilities for urine drug testing will normally process specimens by grouping them into batches. The number of specimens in each batch may vary significant depending on the size of the laboratory and its workload. When conducting either initial or confirmatory tests, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of 10% controls. Both quality controls and blind performance test samples shall appear as ordinary samples to laboratory analysts.

MRO- Medical Review Officer
GC/MS- Gas Chromatography/Mass Spectrometry
DHHS- Department of Health & Human Services
Ref. USDOT Regulations 40.29

(e) **Initial test**- (1) the initial test shall use an immunoassay, which meets the requirements of the Food and Drug administration for commercial distribution. The following initial cutoff levels shall be used when screening Specimens to determine whether they are negative for these five drugs or classes of drugs:

	Initial test cut off levels (ng/ml)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000

(f) **Confirmatory test**-(1) all specimens identified as positive on the initial test shall be confirmed using gas Chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

	Confirmatory test cut off levels (Ng/ml)
Marijuana metabolites (1)	15
Cocaine metabolites (2)	150
Opiates:	
Morphine	300
Codeine	2000
6-Acetylmorphine (4)	10
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine (3)	500

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1-Delta- 9 – tetrahydrocannibinol – 9 – carboxylic acid
2-Benzoulecgonine
3-Specimen must also contain amphetamine at a concentration greater than or equal to 20 ng/ml
4-Test for 6-AM when morphine concentration exceeds 2,000 ng/ml

(f)(2) These cutoff levels are subject to change by the Fire District in accordance with changes by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

(g) **Reporting results**-(1) the laboratory shall report test results to the employer's Medical Review Officer within an Average of 5 working days after (the results of initial tests, confirmatory tests, or quality control data), it shall be Reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the Drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and The drug testing laboratory specimen identification number (accession number).

(g)(2) The laboratory shall report as negative all specimens that are negative on the initial test or negative on the Confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

(g)(3) The Medical Review Officer may request from the laboratory shall provide quantization of test results. The MRO shall report whether the test is positive or negative, and may report the drug(s) for which there was a Positive test, but shall not disclose the quantization of test results to the employer. Provided, that the MRO may Reveal the quantization of a positive test result to the employer, the employee, or the decision maker in a lawsuit Grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive Drug test.

(g)(4) The laboratory may transmit results to the Medical Review Officer by various electronic means (for example, TelePrompTers, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and employer must ensure the security of the Data transmission and limit access to any data transmission, storage and retrieval system.

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GC/MS-Gas Chromatography/Mass Spectrometry
DHHS- Department of Health & Human Services
Ref. USDOT Regulations 40.29

(g)(5) The laboratory shall send only to the Medical Review Officer the original or a certified true copy of the drug Testing custody and control form (part 2), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day to day management of the drug Testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached To which shall be copy of the test report.

(g)(6) The laboratory shall provide the employer an aggregate quarterly statistical summary of urinalysis testing Of the employer's employees. The laboratory shall provide the report to the employer not more than 14 Calendar days after the end of the quarter covered by the summary. Laboratory confirmation data only shall Be included from test results reported within that quarter. The summary shall contain only the following Information:

(g)(6)(i) Number of specimens received for testing;

(g)(6)(ii) Number of specimens screened positive for-

(g)(6)(ii)(A) Marijuana metabolite

(g)(6)(ii)(B) Cocaine metabolite

(g)(6)(ii)(C) Opiates

(g)(6)(ii)(D) Phencyclidine

(g)(6)(ii)(E) Amphetamine

(g)(6)(ii) Number of specimens for which a test was not performed.

Quarterly reports shall not contain personal identifying information or other data from which it is reasonably Likely that information about individual's tests can be readily inferred. If necessary, in order to prevent Disclosure of such data, the laboratory shall not send such a report until data are sufficiently aggregated to Make such an inference unlikely. In any quarter in which a report is withheld for this reason, or because No testing was conducted; the laboratory shall so inform the employer in writing.

(g)(7) The laboratory shall make available copies of all analytical results for employer drug testing programs when Requested by the Westville Fire District.

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(g)(8) Unless otherwise instructed by the employer in writing, all records pertaining to given urine specimen shall

Be retained by the drug testing laboratory for a minimum of 2 years.

(h) **Long term storage-**Long term frozen storage (20 C or less) ensures that positive urine specimens will be Available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories Shall retain and place in properly secured long term frozen storage for a minimum of 1 year all specimens confirmed positive, in their original labeled specimen bottles. Within this 1 year period, the Westville Fire District may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after 1 year, except that the laboratory shall bed required to maintain any specimens known to be under legal challenge for an indefinite period.

(i) **Retesting specimens-** Because some analysts deteriorate or are lost during freezing and/ or storage, quantization For a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence Of the drug or metabolite

(j) **Subcontracting-** Drug testing laboratories shall not subcontract and shall perform all work with their own Personnel and equipment. The laboratory must be capable of performing testing for the five classes of drugs (marijuana, cocaine, opiates, phencyclidine and amphetamines) using the initial immunoassay and confirmatory GC/MS methods specified in this part. This paragraph does not prohibit subcontracting of laboratory analysis If specimens are sent directly from the collection site to the subcontractor is a laboratory certified by DHHS as Required in this part, the subcontractor is responsible to the employer for compliance with this part and applicable Westville Fire District regulations as if it were the prime contractor.

(k) **Laboratory facilities-** (1) Laboratory facilities shall comply with applicable provisions of any State licensing ' Requirements.

(k)(2) Laboratories certified in accordance with DHHS Guidelines shall have the capability, at the same laboratory Premises, of performing initial and confirmatory tests for each drug or metabolite for which service is offered.

(l) **Inspections-** The Westville Fire District reserves the right to have authorized representatives inspect the Laboratory at any time. Employer contracts with the laboratories for drug testing, as well as contracts for Collection site services, shall permit the Westville Fire District (directly or through an agent) to conduct Unannounced inspections.

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DHHS- Department of Health & Human Services
Ref. USDOT Regulations 40.29

(m) **Documentation-**The drug testing laboratories shall maintain and make available for at least 2 years Documentation of all aspects of the testing process. This 2-year period may be extended upon written Notification by the Westville Fire District or by any employer for which laboratory services are being Provided. The Required documentation shall include personnel files on all individuals authorized to have Access to specimens: chain of custody documents: quality assurance/quality control records; procedure Manuals; all test data (including calibration curves any calculations used in determining test results); Reports; performance records on performance testing; performance on certification inspections; and hard Copies of computer generated data. The laboratory shall maintain documents for any specimen known to Be under legal challenge for an indefinite period.

(n) **Additional requirements for certified laboratories-(1) Procedure manual.** Each laboratory shall have a Procedure manual which includes the principles of each test preparation of reagents, standards and controls, calibration procedures, derivation of results, linearity of methods, sensitivity of methods, cutoff values, mechanisms for reporting results, controls criteria for unacceptable specimens and results, remedial actions to be taken when the test system are outside of acceptable limits, reagents and expiration dates, and references. Copies of all procedures and dates on which they are in effect shall be maintained as part of the manual.

(n)(2) **Standards and controls-** Laboratory standards shall be prepared with pure drug standards which are properly Labeled as to content and concentration. The standards shall be labeled with the following dates; when received; When prepared or opened; when placed in service; and expiration date.

(n)(3) **Instruments and equipment**-(i) Volumetric pipettes and measuring devices shall be certified for accuracy or be Checked by gravimetric, colorimetric, or other verification procedure. Automatic pipettes and dilutors shall be Checked periodically thereafter.

(n)(3)(ii) There shall be written procedures for instrument set up and normal operation, a schedule for checking critical operating characteristics for all instruments, tolerance limits for acceptable function checks and instructions For major trouble shooting, and repair. Records shall be available on preventive maintenance.

(n)(4) **Remedial actions-** there shall be written procedures for the actions to be taken when systems are out of Acceptable limits or errors are detected. There shall be documentation that these procedures are followed and That all necessary corrective actions are taken. There shall also be in place systems to verify all stages of testing And reporting and documentation that these procedures are followed.

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Ref. USDOT Regulations 40.29

(n)(5) **Personnel available to testify at proceedings-** A laboratory shall have qualified personnel available to testify in An administrative or disciplinary proceeding against an employee when that proceeding is based on positive Urinalysis results reported by the laboratory.

(n)(6) The laboratory shall not enter into any relationship with an employer's MRO that may be construed as a potential Conflict of interest or derive any financial benefit by having an employer use a specific MRO.

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Ref- USDOT Regulations 40.29

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY#	S & T 2.2
ORIGINAL POLICY#	
DATE ADOPTED	11/13/01
REVISION	
DATE REVISED	

PART FIVE; QUALITY ASSURANCE AND QUALITY CONTROL

(a) **General-** Drug testing laboratories shall have a quality assurance program which encompasses all aspects of the Testing process including but not limited to specimen acquisition, chain of custody security and reporting of Results, initial and confirmatory testing and validation of analytical procedures. Quality assurance procedures shall Be designed, implemented and reviewed to monitor the conduct of each step of the process of testing for drugs.

(b) **Laboratory quality control requirements for initial tests-** Each analytical run specimens to be screened shall Include:

(b)(1) Urine specimens certified to contain no drug;

(b)(2) Urine specimens fortified with known standards; and

(b)(3) Positive controls with the drug or metabolite at or near the cutoff level.

In addition, with each batch of samples a sufficient number of standards shall be included to ensure and Document the linearity of the assay method over time in the concentration area of the cutoff. After acceptable Values are obtained for the known standards; those values will be used to calculate sample data. Implementation Of procedures to ensure carry over does not contaminate the testing of an individual's specimen shall be Documented. A minimum of 10% of all samples to laboratory analysts. One percent of each runs, with a minimum Of at least one sample, shall be the laboratory's own quality control samples.

(c) **Laboratory quality control requirements for confirmation tests-** Each analytical run of specimens to be Confirmed shall include;

(c)(1) Urine specimens certified to contain no drugs;

(c)(2) Urine specimens fortified with known standards; and

(c)(3) Positive controls with the drug or metabolite at or near the cutoff level. The linearity and precisions of the

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Ref USDOT Regulations 40.31

Method shall be periodically documented. Implementation of procedures to ensure that carryover does not Contaminate the testing of an individual's specimen shall also be documented.

(d) **Employer blind performance test procedures.**

(d)(1) Westville Fire District shall use blind testing quality control procedures as provided in this paragraph.

(d)(2) Westville Fire District shall submit three (3) blind performance test specimens for each 100 employee specimens It submits.

(d)(3) Westville Fire District may submit only blank samples or may submit two (2) separately labeled portions of a Specimen from the same non-covered employee.

(d)(4) The Westville Fire District shall investigate, or shall refer to DHHS for investigation, any unsatisfactory Performance testing resulting and, based on this investigation, the laboratory shall take action to correct the Cause of the unsatisfactory performance test result. A record shall be made of this investigative findings and The corrective action taken by the laboratory, and that record shall be dated and signed by the individual Responsible for the day-to-day management and operation of the drug-testing laboratory. Westville Fire District shall thereafter ensure notification of the findings to DHHS.

(d)(5) Should a false positive error occur on a blind performance test specimen and the error is determined to be An administrative error (clerical, sample mix-up, etc), Westville Fire District shall be promptly notified. The Westville Fire District shall require the laboratory to take corrective action to minimize the occurrence of The particular error in the future, and if there is reason to believe the error could have been systemic, the Westville Fire District may also require review and reanalysis of previously run specimens.

(d)(6) Should a false positive error occur on a blind performance test specimen and the error is determined to be a Technical or methodological error, the laboratory shall submit all quality control data from the batch of Specimens which include the false positive specimen to Westville Fire District. In addition, the laboratory Shall retest all specimens analyzed positive for that drug or metabolite from the time of final resolution on the Error back to the time of the last satisfactory performance test cycle. This re-testing shall be documented by a Statement signed by the individual responsible for day to day management of the laboratory's urine drug testing. The Westville Fire District may require an on site review of the laboratory which may be conducted Unannounced during any hours of operation of the laboratory. Based on information provided by the Westville Fire District, DHHS has the option of revoking or suspending the laboratory's certification or recommending That no further action be taken if the case is one of less serious error in which corrective action has already Been taken, thus reasonably assuring that the error will not occur again.

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WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2 (Part VI)

DATE ADOPTED 11/13/01

DATE REVISED

PART SIX: REPORTING AND REVIEW OF RESULTS

(a)(1) **Medical review officer shall review confirmed positive results-** An essential part of the drug-testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a Westville Fire District regulation. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer (MRO) prior to the transmission of the results to employer administrative officials. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face.

(a)(2) The duties of the MRO with respect to negative results are purely administrative.

(b)(1) **Medical review officer- qualifications and responsibilities-** The MRO shall be a licensed physician with knowledge of substance abuse disorders and may be an employee of Westville Fire District or a private physician retained for this purpose.

(b)(2) [Removed and Reserved]

(b)(3) The role of the MRO is to review and interpret positive test results obtained through the employer's testing program. in carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test results. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or proceeded in accordance with this part.

(c)(1) **Positive test result-**Prior to making a final decision to verify a positive test result for an individual, the MRO shall Give the individual an opportunity to discuss the test results with him or her.

(c)(2) The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may take the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in paragraph I (c) of this section, the MRO shall talk directly with the employee before verifying a test as positive.

MRO- Medical Review Officer
DHHS- Department of Health & Human Services
Ref USDOT Regulations 40.33

(c)(3) If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated Fire District official who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated Fire District official, the designated Fire District official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.

(c)(4) If, after making all reasonable efforts, the designated Fire District official is unable to contact the employee, the Employer may place the employee on temporary medically unqualified status or medical leave.

(c)(5) The MRO may verify a test as positive without having communicated directly with the employee about the tests in three circumstances;

(c)(5)(i) The employee expressly declines the opportunity to discuss the test;

(c)(5)(ii) Neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory;

(c)(5)(iii) The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact MRO (see paragraph (c)(5)(ii) or (iii) of this section, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from being contacted by the MRO or designated employer representative (paragraph (c) (5)(ii) of this section) or from contacting the MRO (paragraph (c)(5)(iii) of this section) within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.

(c)(6) If a test is verified positive under the circumstances specified in paragraph (c)(5)(ii) or (iii) of this section the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from being contacted by the MRO or designated employer representative (paragraph (c) (5) (ii) of this section) or from contacting the MRO (paragraph (c) (5)(iii) of this section) within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the the test to be negative.

(c)(7) Following verification of a positive test result, the MRO shall, as provided in the employer's policy, refer the case to the employer's employee assistance or rehabilitation program, if applicable, to the fire district official empowered to recommend or take administrative action (or the official's designated Agent), or both.

(d) **Verification for opiates; review for prescription medication-** Before the MRO verifies a confirmed positive result for opiates, he or she shall determine that there is clinical evidence that there is clinical evidence in addition to the urine test of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine).
(This requirement does not apply if the employer's GUMS confirmation testing for opiates confirms the presence Of 6 monoacetylmorphine.)

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Ref USDOT Regulations 40.33

(e) In a situation in which the employer has used the single sample method of collection, the MRO shall notify each Employee who has a confirmed positive test that the employee has 72 hours in which to request a reanalysis of the original specimen, if the test is verified positive. If requested to do so by the employee within 72 hours of the Employee's having been informed of a verified positive test, the Medical Review Officer shall direct, in writing, a reanalysis of the of the original sample. The MRO may also direct, in writing, such a reanalysis, and such a reanalysis may take place only at laboratories certified by DHHS. If the reanalysis fails to reconfirm the presence of the drug metabolite, the MRO shall cancel the test and report the cancellation and the reasons for it to the Westville Fire District, the employer and the employee.

(f)(1) In situation in which the employer uses the split sample method of collection, the MRO shall notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen If the test is verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS certified laboratory for analysis. If the analysis of the split specimen fails to confirm the presence of the drug(s) metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report cancellation and the reason for its to the Westville Fire District, the employer and the employee.

(f)(2) If the analysis of the split specimen is reconfirmed by the second laboratory for the presence of the drug(s) or drug metabolite(s), the MRO shall notify the employer and the employee of the results of the test.

(g) If the employee has not contacted the MRO within 72 hours, as provided in paragraphs (e) and (t) of this section, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the primary specimen or analysis of the split specimen, as applicable, be performed.

(h) When the employer uses the split sample method of collection, the employee is not authorized to request a Reanalysis of the primary specimen as provided in paragraph (e) of this section.

(i) **Disclosure of information-**Except as provided in this paragraph, the MRO shall not disclose to any third party Medical information provided by the individual in this paragraph, and the MRO shall not disclose to any third party Medical information provided by the individual to the MRO as a part of the testing verification process.

(i)(1) The MRO may disclose such information to the employer, the Westville Fire District, or a physician responsible For determining the medical qualification of the employee under an applicable Westville Fire District regulation, As applicable, only if:

(i)(1)(i) An applicable Westville Fire District regulation permits or requires such disclosure;

(i)(1)(ii) In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable Westville Fire District rule; or

(i)(1)(iii) In the MRO's reasonable medical judgment, in a situation in which there is no Westville Fire District Rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety sensitive function could pose a significant safety risk.

MRO- Medical Review Officer
DHHS- Department of Health & Human Services
Ref USDOT Regulations 40.33

(i)(2) Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.

MRO- Medical Review Officer
DHHS- Department of Health & Human Services
Ref USDOT Regulations 40.33

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2 (Part VII)

DATE ADOPTED 11/13/01

DATE REVISED

PART SEVEN: PROTECTION OF EMPLOYEE RECORDS

Employer contracts with laboratories shall require that the laboratory maintain employee test records in confidence as provided by the Westville Fire District regulations. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an individual to the individual, the employer or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.

Ref. USDOT Regulations 40.35

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2 (Part VIII)

DATE ADOPTED 11/13/01

DATE REVISED

PART EIGHT: INDIVIDUAL ACCESS TO TEST & LABORATORY CERTIFICATION RESULTS

Any employee who is the subject drug test conducted under this part, shall upon written request, have access to any records relating to his or her drug test and any records relating to the results of any relevant certification, review or revocation of certification proceedings.

Ref. USDOT Regulations 40.37

WESTVILLE FIRE DISTRICT NO. 1
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TESTING GUIDELINES

POLICY#	S & T 2.2
ORIGINAL POLICY#	
DATE ADOPTED	11/13/01
REVISION	
DATE REVISED	

PART NINE; USE OF DHHS CERTIFIED LABORATORIES

Westville Fire District shall only use laboratories certified under DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs," April 11, 1988, and subsequent amendments thereto.

DHHS- Department of Health & Human Services
Ref. USDOT Regulations 40.39