

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

**SUBJECT:** RANDOM DRUG TESTING FOR SWORN LAW ENFORCEMENT  
OFFICERS

**No. 2.84**

**Effective Date:** April 4, 2023

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**Approved by:** Adrienne Kriepke, Assistant Commissioner Management & Budget

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### **I. PURPOSE**

The New Jersey Department of Environmental Protection has a legal responsibility to maintain a drug free workplace thus ensuring professional integrity and public trust as well as preserving a safe environment for its employees. The New Jersey Department of Environmental Protection prohibits its sworn law enforcement officers from being under the influence of drugs of any kind while on or off duty.

Additionally, this **zero tolerance** policy will provide and specify procedures for random drug testing of DEP law enforcement employees. All law enforcement employees shall be expected to submit to a drug test when their name is chosen at random.

Employee Titles covered under this policy:

State Park Police Officer Trainee

State Park Police Officer-Sergeant-Lieutenant-Chief

Conservation Officer Recruit

Conservation Officer 1-2-3

Supervising Conservation Officer

Chief Conservation Officer

### **II. AUTHORITY**

Statewide Attorney General Law Enforcement Drug Screening Guidelines, NJ Department of Law and Public Safety

### **III. SUPERSEDES**

Policy dated 01/23/2017

### **IV. Definition of Terms:**

A. **Monitor(s):** Any individual(s) who collects specimens from individuals for the purposes of drug testing.

B. **Random Testing:** A random drawing in which certain officers are chosen at random for a drug testing urinalysis.

C. **Refusal:** A failure or declination by the member being tested to submit to a urinalysis. Consequently, refusals will be treated as a violation of a lawful order under Article IV. Section 3, of the New Jersey Department of Environmental Protection rules and regulations.

D. **Supervisors:** Any member assigned to a position having oversight, charge, or direction of the performance of other employees or a work element.

E. **Positive Drug Test:** A positive reading above the designated limit for the following drugs: amphetamine/methamphetamine, barbiturates, benzodiazepine, cocaine, methadone, phencyclidine and/or opiates.

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#### **IV. POLICY**

As a condition of continued employment, it shall be the policy of the New Jersey Department of Environmental Protection to require its law enforcement employees to submit to random drug testing.

#### **V. GENERAL PROVISIONS**

A. As a condition of employment, all law enforcement members of the New Jersey Department of Environmental Protection are prohibited from the following behaviors:

1. The use, possession, or sale of illegal drugs while on or off duty.

#### **VI. NOTIFICATION OF DRUG TESTING PROCEDURES**

##### **A. Applicants**

1. Applicants are notified during their pre-employment process that their positions will require random drug testing and that a positive drug test result will be cause for removal from service.

##### **B. Law Enforcement Personnel**

1. The DEP will utilize the NJ State Toxicology Laboratory to conduct random drug tests for its law enforcement employees in accordance with the Law Enforcement Drug Testing Policy established by the Office of the Attorney General. This policy shall become effective sixty (60) days after its issuance.
2. The method of random selection shall be made through a computer program secured at the Office of Labor Relations.
3. A representative from each collective bargaining unit will be given the opportunity to observe the random selection process. The identities of the individuals selected and/or the test dates must remain confidential.
4. Individuals selected for random drug testing shall be notified by designated Internal Affairs members/supervisors at their work assignment. Upon such notice, the individual shall report to the closest designated regional field office to submit a urine sample.
5. Any unreasonable delay in reporting to said regional field office may constitute disciplinary action up to and including removal.
6. Employees selected will be allowed to leave their work area with pay in order to attend testing.
7. Management will have flexibility to schedule selected employees at times that are operationally effective for the unit. If a member is not on duty, they are to be advised by management, upon their return to duty, and attend testing on that date.

#### **VII. TESTING PROCESS**

##### **A. Random Drug Testing Procedures**

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1. Any individual whose name is selected for random testing will be ordered by their supervisor to transport themselves to the designated regional office and submit to testing procedures. Individuals will be randomly selected from a database maintained by the Division of Human Resources utilizing software kept within the Office of Labor Relations.
2. A failure to submit to the order without good cause will constitute a refusal and will result in a disciplinary action of a removal.
3. No employee has the right to a union representative or attorney present at the time the specimen is provided.
4. The Department has determined that fifty (50) percent of the total number of covered personnel will be tested annually.
5. Any individual who discusses the identity of individuals selected or the date random selection is scheduled shall be subject to disciplinary action.

### **VIII. SUBMISSION AND ANALYSIS OF URINE SPECIMENS**

- A. Specimens will be collected utilizing same sex monitors designated by the Department as well as equipment provided by the State Toxicology Laboratory.
- B. Individuals will be able to void without direct observation of a monitor unless there is reason to believe that the staff member has attempted to alter or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the testing process.
- C. The monitor must document the facts that support their belief that the test has been compromised before there can be direct observation. Any urine specimen found to be tampered with by the staff member taking the urinalysis may result in disciplinary action up to and including removal.
- D. When an individual indicates they are unable to provide a sample when ordered, the individual shall be given a reasonable amount of time to provide said sample. The individual will be given the opportunity to consume liquids while the waiting process occurs. Under no circumstances is the employee permitted to leave the area during this time period. Doing so will be treated as a refusal and will result in disciplinary action. Failure to void within a reasonable amount of time will constitute a refusal unless medical documentation by a State doctor delineates as valid reason of a failure to void.
- E. Individuals will be given the option to submit a second sample which will be stored in a secured refrigerator. The specimen will be stored for 60 days or until notification is made by the State Laboratory that the first specimen tested negative.
- F. In the event of a positive result, the second specimen may be released at the request of the employee to a licensed clinical laboratory approved by the New Jersey Department of Health designated by the individual for testing.
- G. The individual will be given an opportunity to submit a medication sheet to advise what prescription drugs if any they are currently taking. Any onus to produce a valid prescription will be on the employee.

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- H. Urine specimens will be transported to the State Lab as soon as possible after the collection. In the event a specimen cannot be submitted to the laboratory within one working day, the specimens will be stored and refrigerated until submission to the State Lab.
- I. Submissions of specimens to the State Toxicology Lab will be accomplished by personnel from the agency.

**IX. CONSEQUENCES OF POSITIVE DRUG TESTING RESULT**

- A. If an employee receives a positive drug test they will be served with removal charges and suspended with pay pending a Loudermill hearing which will be heard within 24 hours. If sufficient evidence to support the charges is presented, they will be suspended without pay pending a departmental disciplinary hearing.
- B. The Department's designated Internal Affairs Unit will report all positive drugs tests to the Central Drug Registry maintained by the Division of State Police.
- C. A refusal to take a random drug test when ordered will be treated in the same manner as a positive drug test and will also constitute insubordination.

**X. RECORD KEEPING**

- A. The Department's designated Internal Affairs Unit shall maintain all records relating to the random drug testing of its staff.
- B. The records shall include:
  - 1. The identities of those tested;
  - 2. The date of the test;
  - 3. The location of the test;
  - 4. The results of the test; and;
  - 5. Copies of any and all documentation pertaining to the testing.
- C. The Office of Labor Relations will keep records on all documentation pertaining to positive test results.

**XI. CENTRAL DRUG REGISTRY**

- A. The Department's designated Internal Affairs Unit shall notify the Central Drug Registry maintained by the Division of State Police the identity of all individuals who test positive for the illegal use of drugs or refuse an order to submit a urine sample.



## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Notification to the Central Drug Registry Form****AGENCY SUBMITTING**

AGENCY		PHONE	
ADDRESS	CITY	STATE	ZIP
CONTACT PERSON	TITLE	PHONE	

**PERSON TO BE ENTERED**

LAST NAME	FIRST NAME	INITIAL	GENDER	RACE	EYE COLOR
DOB / /	SSN - -	SBI NUMBER (IF KNOWN)			
THIS PERSON WAS : <input type="checkbox"/> APPLICANT <input type="checkbox"/> SWORN OFFICER – RANDOM <input type="checkbox"/> TRAINEE <input type="checkbox"/> SWORN OFFICER – REASONABLE SUSPICION					
ADDRESS					
CITY				STATE	ZIP

**REASON FOR NOTIFICATION**

THE PERSON LISTED ABOVE  <input type="checkbox"/> TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE) <b>OR</b> <input type="checkbox"/> REFUSED TO SUBMIT A URINE SAMPLE	
DATE OF THE DRUG TEST OR REFUSAL	DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY

**CERTIFICATION (*Must be completed by Superintendent or designee. Must be notarized with raised seal.*)**

<i>I hereby affirm that the above information is true and correct to the best of my knowledge.</i>		
_____ Print Name	_____ Title	_____ Signature
Sworn and subscribed before me this _____ day of _____, _____		
(Seal)		

Mail To: Records and Identification Section  
Division of State Police  
Po Box 706  
West Trenton, NJ 08626



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Drug Testing Notice & Acknowledgement Form**

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I, \_\_\_\_\_, understand that as part of:

- ☐ My continued employment with the New Jersey Department of Environmental Protection
- ☐ My continued good standing in the New Jersey State Police Training Academy
- ☐ The pre-employment process of the New Jersey Department of Environmental Protection

I am required to undergo drug testing through urinalysis. A monitor will conduct a urinalysis on enlisted members, recruits and applicants.

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

I further understand that if I refuse to undergo testing or produce a positive result for illegal drug usage, I will be:

- ☐ Suspended without pay pending dismissal
- ☐ Dismissed from the Training Academy
- ☐ Rejected for employment

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

I understand that if I produce a positive test result for illegal drug usage and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years. After this two year period, the positive test result may be considered in evaluating my fitness for future law enforcement employment.

I understand that if I am currently employed as an enlisted/sworn law enforcement member and I produce a positive test result for illegal drug use, I will be suspended without pay pending a disciplinary hearing that may lead to termination. Furthermore, once dismissed I will be permanently barred from law enforcement employment in New Jersey.

I have read and understand the information contained in this "Member/Recruit/Applicant Notice and Acknowledgement" form. I agree to undergo drug testing through urinalysis as part of my employment, training, or pre-employment process.

X \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number

X \_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name

- ☐ I authorize the Compliance Unit and/or the Office of Professional Standards to dispose of my secondary sample upon notification that my primary sample was negative.



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Drug Testing Medical Information Form

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

Place a check mark in each box that applies:

- ☐ 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		
4		
5		
6		

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

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Identification Number & Initials

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Date



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Random Urinalysis Notification Form

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Date: \_\_\_\_\_

Name: \_\_\_\_\_

Rank: \_\_\_\_\_

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

Time of Notification: \_\_\_\_\_

Type of Notification    ☐ In Person    ☐ Via Telephone    ☐ In Writing    ☐ Via Supervisor

Supervisor Notified: \_\_\_\_\_ Time: \_\_\_\_\_

Subsequent notification attempts/exigent circumstances and rescheduled date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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### OFFICIAL NOTIFICATION

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*You are hereby ordered to report to the location listed above to undergo your test. If you fail to report to said location or fail to report in a timely manner;, or if you fail to cooperate with the testing process, your actions will be considered a refusal; refusal is grounds for immediate suspension pending a disciplinary hearing where termination may be recommended. **This is your official notification.** Thank you.*

Additional Remarks:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Appointing Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Designee