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		Thomas J. Cook, Executive Director

I. Purpose

The purpose of the Delaware River and Bay Authority (Authority) Drug-Free Workplace Policy is to establish and maintain a safe, healthy working environment for all employees and clients; to help establish and maintain safety on the roads and highways; to reduce the number of accidents and resulting injury to persons and property; to reduce absenteeism, tardiness, and improve productivity; to protect the reputation of the Authority and its employees within the community; and to comply with applicable federal and state laws and regulations governing drug and alcohol abuse programs. **The point of contact for this policy is the Employee Relations and Compliance Manager in Human Resources.**

II. Scope

This policy applies to all candidates for employment and all current employees of the Authority. However, investigation and discipline of uniformed employees of the Police Department will continue to be handled in accordance with the Authority’s Police Rules and Regulations Manual.

III. Policy and Procedures

1.0 Prohibited Conduct and Activities

1.1 Prohibited Conduct

The Authority is committed to the development and maintenance of a drug- and alcohol-free work environment. The unlawful use of drugs or the abuse of drugs and alcohol is inconsistent with the behavior expected of Authority employees and will not be tolerated. Employees of the Authority are prohibited from:

- having a Schedule I or Schedule II (**Exhibit A**)-controlled substance (as defined by the Federal Controlled Substance Act) or its metabolites in his/her system while at work
- having legal drugs in his/her system which were not prescribed for the employee
- having alcohol in his/her system while at work at concentrations in violation of applicable state and Federal laws or regulations
- engaging in the manufacture, sale, distribution, possession, or use of a Schedule I or Schedule II controlled substance while at work
- engaging in the manufacture, sale, distribution, possession, or use of illegal drug paraphernalia in the workplace or at any Authority-sponsored event
- engaging in the distribution, possession, or use of alcohol while at work unless is clearly included in job functions of an Authority position (i.e., Food and Retail position)
- reporting to or remaining at work while unfit for duty as a result of the use of alcohol, a controlled substance, or medication (prescription or non-prescription) of any kind

Employees must notify their supervisor **in writing** within five (5) days of conviction for a drug- or alcohol-related violation, whether or not the violation occurred in the workplace.

Employees in violation of this policy shall be subject to disciplinary action up to and including termination. Law enforcement personnel and any other appropriate licensing agency may be notified when a criminal activity is suspected or discovered.

1.2 Use of Prescribed and Over-the Counter Medication

An employee whose medical treatment requires the use of prescription or over-the-counter medication that is reasonably likely to cause physical impairment and could compromise work safety or job performance must report such use to his/her supervisor prior to the performance of Authority business. An employee may continue to work when using a prescription or over-the-counter medication if Authority management has determined, and as allowed by applicable Federal medical standards, that such use does not pose a threat to safety and that the employee's job performance is not significantly affected. Otherwise, the employee may be required to take leave or comply with other appropriate action as determined by Authority management.

The undisclosed use of any medication or substance by any employee while performing Authority business or while on Authority premises, which poses a threat to safety or significantly affects the employee's job performance, is prohibited.

The Authority at all times reserves the right to judge the effect that a prescription or over-the-counter medication may have on job performance and to restrict the employee's work activity or presence in the workplace accordingly.

Under no circumstances shall any employee be permitted to work if under the influence of marijuana, even if same is medically prescribed. Any employee who is prescribed medical marijuana shall conform to the above requirements with respect to supervisor reporting.

Nothing in this policy shall permit any employee to use legally prescribed medication which has not been specifically prescribed for the employee.

2.0 Definitions

For the purposes of this policy, the following definitions are used:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol or any beverage that contains more than one half (1/2) of one (1) percent of ethyl alcohol (ethanol) by volume, including but not limited to beer, wine, and distilled spirits. This also includes medications, either prescription or non-prescription, which contain alcohol.

Authority premises or facilities means all property owned, operated, or controlled by the Authority, including but not limited to: offices, facilities and surrounding areas on Authority-owned, leased, operated or controlled property, parking lots, and storage areas. The term also includes Authority-owned or leased vehicles and equipment wherever located, as well as bridges, piers, vessels, and aircraft.

Commercial Motor Vehicle Driver means an employee who is required to possess a commercial driver's license (CDL) issued by a state or other jurisdiction, in accordance with the standards contained in 49 C.F.R. Part 383, which authorizes the individual to operate a class of commercial motor vehicle.

Drug paraphernalia is equipment, products, and materials of any kind which are used, intended for use, or designed for use, in introducing a controlled substance into the human body.

Drug testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug and/or alcohol. Regulated drug tests will use only urine as a specimen until otherwise permitted to use other specimen sources as per Federal authority.

Illegal drug means a substance whose use or possession is controlled by Federal law but that is not being used or possessed under the supervision of a licensed health care professional (controlled substances are listed in Schedules I – V of 21 C.F.R. Part 1308). Examples of illegal drugs are cannabis substances (e.g., marijuana and hashish), cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs. See **Exhibit A**.

Legal drug means any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose and by the person for which prescribed or manufactured. An employee must inform his/her supervisor when any medication renders the employee unfit for the safe performance of his/her job duties.

Medical Review Officer (MRO) is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Metabolite means one of various organic compounds produced by metabolism of drugs in the human body.

Over-The-Counter and Prescription Medications means use of certain over-the-counter or prescription medications that may have side effects that impair an individual's ability to operate a motor vehicle, operate machinery or other equipment, or otherwise perform the essential functions of a job. Such side effects may also cause the individual to pose a direct threat to his/her own safety or the safety of others.

Reasonable suspicion means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but not be limited to: decreases in the quality or quantity of the employee's productivity, judgment, work errors, wasted time and materials, damage to equipment, injury to self and others, decreased reasoning, concentration, or psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices, and erratic conduct indicative of impairment are examples of objective facts sufficient to give rise to a "reasonable suspicion". Statements made by an employee regarding alcohol or drug use may also be considered in determining reasonable suspicion.

Substance Abuse Professional (SAP) is a person who evaluates employees who have violated a Department of Transportation (DOT) drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare.

Under the influence means a condition in which a person is affected by a drug or by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, such as urinalysis or blood analysis, and by the opinion of a layperson.

Uniformed employees include all uniformed employees of the Authority who engage in public safety duties as identified by their respective job descriptions. These employees include sworn Police Officers, Dispatchers, Security Officers, Public Services Aides (PSA), and any other employees of the Police Department issued a departmental uniform.

Workplace is the environment (as place, tools, social connections, physical well being) enabling employees to perform work.

The Controlled Substance Act (CSA) is the Federal law that places all controlled substances into one (1) of five (5) categories, or schedules, according to the drug's potential for abuse, physical and psychological dependence liability, and current accepted medical use. Schedule I, the most strictly controlled category, includes heroin, LSD, marijuana, and other drugs considered to have a high abuse potential and no recognized medical use in the United States. The Authority will comply with state and Federal law with regard to medical marijuana to the extent that those bodies of law are not inconsistent with the CSA. Schedule II drugs, which include morphine, methadone, and amphetamines, are primarily different from Schedule I drugs in that they have some currently accepted medical uses and can be prescribed. The manufacture and distribution of these drugs are controlled by production quotas, security regulations, import and export controls, and non-refillable prescription requirements. Schedule III, IV,

and V drugs are considered in descending order to have less abuse potential and dependence liability. See **Exhibit A**.

3.0 Testing Occasions

3.1 Pre-employment

All candidates who have been offered a position of employment with the Authority for which post-offer, pre-employment drug testing is mandated will be required to submit to and pass a drug test. An offer of employment will be withdrawn upon failing a drug test. All individuals subject to testing under this section will be required to sign a “Pre-employment Drug and Alcohol Notice”, a copy of which is attached as **Exhibit B**.

3.2 Post-Accident/Incident

An employee may be required to submit to drug and alcohol testing if that employee is involved in a job-related accident or incident which resulted or could have resulted in personal injury or property damage.

A driver involved in an accident while operating a commercial motor vehicle shall be required to submit to drug and alcohol testing if:

- the accident involves the loss of human life; or
- the employee received a citation under state or local law for a moving traffic violation arising from the accident.

A driver involved in an accident while operating a commercial motor vehicle is responsible for ensuring that a drug and alcohol test is performed in accordance with applicable regulations of the Federal Motor Carriers Safety Administration (FMCSA) and that the results be submitted to the Authority.

For purposes of this policy “an accident while operating a commercial motor vehicle” means an incident where a person has died or is treated at a medical facility or when there has been property damage resulting in the towing of a vehicle.

Prior to testing, the employee will be required to sign a “Post Accident/Incident Employee Agreement and Consent to Drug and/or Alcohol Testing” form, a copy of which is attached as **Exhibit C**.

Alcohol testing should be administered within two (2) hours of the accident but no later than eight (8) hours following the accident; drug testing should be administered within 32 hours following a serious job-related accident/incident.

In no event shall post-accident or post-incident drug testing be used as an adverse action to retaliate against an employee who reports an accident or illness. The Authority shall use reasonable judgment as to whether post-accident or post-incident drug testing is needed for accidents or incidents which normally have no connection to drug use, such as bee stings, a repetitive strain injury, or an injury caused by a lack of machine guarding or a machine or tool malfunction.

3.3 Reasonable Suspicion

An employee will be required to submit to drug and alcohol testing when there is reasonable belief that the employee has alcohol, a controlled substance, or its metabolites in his/her system. A determination that reasonable suspicion exists shall be based upon specific observations concerning the actions, appearance, behavior, conduct, speech, or body odors of the employee. Such observation must be made by a supervisor/manager trained in detecting the symptoms of drug and alcohol use. A written record shall be made of the observations leading to a drug or alcohol test, and signed by the person who made the observations, a copy of which is attached as **Exhibit D**. Prior to testing, the employee will be required to sign a “Reasonable Suspicion Employee Agreement and Consent to Drug and/or Alcohol Testing” form, a copy of which is attached as **Exhibit E**. No testing shall occur without the approval of the employee’s direct Department Head or his/her designee after consultation with the appropriate Chief Officer and the Chief Human Resources Officer or their designees.

4.0 Testing Procedures

A strict chain of custody will be maintained on all specimens.

If there is evidence of possible specimen dilution, alteration or tampering, an additional sample shall be required. The second sample will be collected under direct observation. Both samples will be submitted to the appropriate lab and tested.

Employees tested upon “reasonable suspicion” will be taken to a designated testing site by at least one (1) of the supervisors or managers observing the conditions or behavior that constitute “reasonable suspicion”.

No employee believed to be under the influence of drugs or alcohol will be permitted to drive a vehicle to a designated testing site or home. Transportation will be arranged by a supervisor or manager.

For drug testing, a “split-sample” method for collecting and analyzing urine samples shall be used. An individual testing positive for a controlled substance may request, at his or her own expense, that a second test be conducted on the split-sample within 72 hours of being informed of the positive result.

For alcohol testing, screening and confirmatory tests will be administered by a Breath Alcohol Technician (“BAT”) using an evidential breath testing device. Test results showing an alcohol concentration at or above the legal limit will require a confirmatory test.

The Authority will prohibit an employee having an alcohol concentration of 0.02 or greater from performing safety-sensitive functions and the employee will be reviewed for disciplinary action.

4.1 Drug and Alcohol Testing of Job Candidates

With respect to Authority positions for which post-offer, pre-employment drug testing is mandated, a candidate for such a position will be notified of the Authority’s drug testing policy prior to being tested, will be informed in writing of his/her right to refuse to undergo such testing, and will be informed that the consequence of refusal is termination of the pre-employment process. A candidate will be provided written notice of this policy and by signature will be required to acknowledge receipt and understanding of the policy. If a candidate refuses to take a drug test, or if evidence of the use of drugs is discovered, either through testing or other means, the pre-employment process will be terminated. A list of positions subject to post-offer, pre-employment testing is attached as **Exhibit F**.

4.2 Drug and Alcohol Testing of Employees

The Authority will notify employees of this policy by providing to each employee a copy of the policy, and obtaining a written acknowledgement from each employee that the policy has been received and read. The Authority shall perform drug or alcohol testing of any employee who:

- manifests behavior sufficient to give rise to a “reasonable suspicion” of drug or alcohol use.
- is involved in a serious job-related accident/incident that results in, or could result in, the filing of a personal injury and/or property damage insurance claim.
- is subject to drug or alcohol testing pursuant to Federal or state rules, regulations or laws.
- consents to drug or alcohol testing and for whom such testing is required as a condition of employment.

An employee who is tested based on “reasonable suspicion” may be suspended pending receipt of written tests results, and any additional investigation or inquiries as may be required.

4.3 Appeal of a Drug Test Result

A candidate or employee whose drug test reported positive by the medical review officer (MRO) will be offered the opportunity of a meeting to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The following is a list of the MRO’s responsibilities:

- Receive confirmed positive results from laboratory.
- Request, if needed, a quantitative description of test results.
- Receive a certified copy of the original chain of custody.
- Review and interpret positive test results.
- Inform the tested individual and provide test results.
- Conduct a medical interview with the tested individual.
- Review the individual’s medical history, or any other relevant biomedical factors.
- Give the individual an opportunity to discuss the test results but not necessarily face to face.
- Order a reanalysis of the original sample, if necessary.
- Consult with the laboratory officials.
- Review urinalysis results that do not comply with the mandatory guidelines.
- Determine whether a result is consistent with legal drug use.
- Forward results of verified positive tests to management officials to recommend or take administrative action.

An employee whose drug test is reported positive will be offered the opportunity to:

- test the remaining portion of the urine specimen that yielded the positive result, at the employee’s expense.
- obtain the written results from all the tests and submit to an independent MRO, at the employee’s expense.

The employee may use the Authority's medical benefits, to the extent that coverage may apply, for meeting the costs of an independent test or independent medical review.

During the period of an appeal and any resulting inquiries, the pre-employment selection process for a job candidate will be placed on hold, and the employment status of an employee shall be suspended. An employee will be suspended without pay pending appeal. If the employee prevails at appeal, he/she will be reinstated without loss of benefits and shall receive full pay for the period he/she was suspended.

5.0 Education

Supervisors and other management personnel are to be trained in the:

- Authority's Drug-free Workplace Policy, including reasonable suspicion certification which is a minimum of two (2) hours of training (refresher training every 2 years).
- Prevalence of alcohol and drug abuse and its impact in the workplace.
- Recognition of the link between poor performance and alcohol and/or drug abuse.
- Authority's Employee Assistance Program.

Employees are to be informed of the:

- Authority's Drug-free Workplace Policy (refresher training every 2 years).
- Dangers associated with drug and alcohol and its impact in the workplace.
- Authority's Employee Assistance Program.

6.0 Discipline

Any employee who manufactures, possesses, distributes, sells, attempts to sell, or transfers illegal drugs, or drugs legally prescribed to a person other than the employee, on Authority premises or while conducting Authority activities will be terminated.

Any employee who is found to be in possession of, or under the influence of, alcohol in violation of this policy will be subject to discipline up to and including termination.

Any employee who is found to be in possession of illegal drug paraphernalia in violation of this policy will be subject to discipline up to and including termination.

Any employee who refuses to consent to drug or alcohol testing and for whom such testing is required as a condition of employment will result in disciplinary action, including termination, for a first refusal or any subsequent refusal.

Any regulated and non-regulated employee who is found through drug or alcohol testing to have in his/her body a detectable amount of an illegal drug, a legally prescribed drug for another person, or alcohol will be subject to discipline up to and including termination except that, depending on the circumstances of the case and the employee involved, the employee may be offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by the Authority. The employee may also be offered a last-chance agreement.

In the event that the Authority, in its sole discretion, elects to provide the employee with a one-time opportunity to enter and successfully complete a rehabilitation program, the employee will be given names and contact information of substance abuse professionals (SAPs). To be reinstated to full employment, the employee will need to meet the full requirements of the SAP. A United States Coast Guard (USCG) employee who has a positive drug test will be reported to the USCG for action as determined by the USCG. During rehabilitation, the employee will be subject to unannounced drug or alcohol testing. Upon return to work from rehabilitation, the employee will be subject to unannounced drug or alcohol testing for a period of 60 months. Any test that is confirmed as positive during or following rehabilitation will result in termination.

Any employee who intentionally smells or inhales the vapors or fumes from any substance having the property of releasing vapors or fumes for the purpose of producing a condition of intoxication, inebriation, exhilaration, stupefaction, or lethargy while on duty or on Authority property will be subject to discipline up to and including termination. This prohibition shall also be extended to any employee who reports to work while suffering the effects of the above described unlawful behavior.

7.0 Rehabilitation, Last Chance Agreements, and Employee Assistance

Rehabilitation assistance in lieu of termination may be offered to any employee who has violated this policy, provided that the violation does not involve selling or transferring illegal drugs, or serious misconduct.

Based on the written recommendation of a licensed physician or recognized rehabilitation professional (i.e. SAP), an employee may be permitted to work while undergoing rehabilitation on an outside-of-work basis. The required written recommendation must include a statement that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-workers, or others. An employee whose rehabilitative therapy involves drug maintenance, hospitalization, or detoxification will not be considered for the exception.

An employee who is in rehabilitation or who has completed rehabilitation will be allowed to return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-workers, or others.

An employee may be offered a last chance agreement which sets forth the terms and conditions of continued employment with the Authority, subject to certain disciplinary action for violating such terms and conditions.

8.0 Confidentiality

All information relating to drug or alcohol testing or the identification of persons as users of drugs or alcohol will be protected by the Authority as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the person in question.

9.0 Drug and Alcohol Policy-Marine Operations

Details of the Marine Operations Drug-free Workplace Policy can be found in the Marine Standard Operating Procedures Manual, Chapter 6, Miscellaneous Policies, located in the Cape May Ferry Operations Administrative Office.

10.0 Commercial Drivers License (CDL) Employees

In accordance with the Federal Motor Carrier Safety Regulations outlined in 49 C.F.R. Part 382, all employees who are required to possess a CDL for the performance of their job (hereinafter referred to as “Drivers”) shall be subject to the following controlled substance and alcohol testing:

- All Driver applicants must pass a controlled substance test as defined in 49 C.F.R. Part 382, Subpart A §382.101 *et seq.*, and 49 C.F.R. Part 40.
- All Drivers shall be subject to periodic reasonable cause, random, and post-accident/incident tests as described in 49 C.F.R. Part 382, Subpart C, §382.301, §382.303, §382.305 and §382.307. A Driver who refuses to be tested in accordance with the provisions of this policy shall not be permitted to operate a commercial motor vehicle for the Authority.
- Any supervisor who personally observes a Driver’s actions, appearance, conduct or behavior that is indicative of the use of a controlled substance shall immediately relieve the Driver from his/her post and shall refer the Driver to the Department Head.

The supervisor shall make a written record of his/her observations as soon as practicable after observing the Driver’s conduct, and in any event, within 24 hours of the observed behavior or before the test results are released, whichever is earlier.

The actions, appearance, conduct or behavior of the employee may serve as the basis for relieving the Driver from his/her post or for referral to the Department Head must be consistent with the Authority’s Drug and Alcohol policy and must be of a type that is specific and objective. Actual observation of the use or consumption of drugs, slurred speech, an odor of drugs or alcohol, unusual or unsteady gait, tremors, an abrupt change in mood or disposition, or unusual or unnatural behavior are examples of some of the actions or behavior that supervisors may identify to indicate use of a controlled substance.

- The Department Head shall review the Driver’s actions, appearance, conduct, or behavior and the supervisor’s written observations of such activity, and will discuss the matter with the supervisor and the Driver to determine whether there is reasonable cause to believe that the Driver has used a controlled substance.
- If the Department Head determines that there is reasonable cause to believe that a Driver may be under the influence of a controlled substance, the Driver will be transported immediately to a collection site for the collection of a urine sample in accordance with the requirements of 49 C.F.R. Part 40.
- A Driver required to undergo such testing shall be placed on suspension pending receipt of the results of the urine test. If the results of the test are positive for the use of a controlled substance (in accordance with 49 C.F.R. Part 40), the Driver is medically unqualified to operate a commercial motor vehicle. If the results of the test are negative, the Driver will be reinstated without loss of pay or benefits for the period of suspension. Pay reimbursement will be based on the time period that the Driver would have worked had the Driver not been suspended.
- A Driver who tests positive for the use of a controlled substance will be considered medically unqualified to operate a commercial vehicle. At the Authority’s discretion, employees who have tested positive for the use of a controlled substance may or may not be permitted to continue

employment with the Authority in another capacity other than Driver while the employee undergoes treatment as prescribed by the medical review officer (MRO). Continued employment will be determined by the availability of same or lesser positions available. In the event that employment is not terminated, the employee may make use of any accumulated and unused leave. Such an employee may be permitted to return to work as a Driver only upon presentation of a written statement from the treatment center or program that the employee has successfully completed the program, and a written statement from the employee's physician that, to the best of his/her knowledge, the employee is no longer abusing a controlled substance and is ready to return to work as a Driver without restrictions. The employee's return to work as a Driver may also be conditioned upon an examination by a physician selected by the Authority, which examination may include drug, alcohol and controlled substance testing as well as the employee's agreement to submit to subsequent unannounced testing for a period of up to 60 months.

- An employee who is required to possess a commercial Driver's license and who is disqualified in accordance with 49 C.F.R. Part 383, Subpart D §383.51 may be subject to immediate termination of employment with the Authority.

11.0 Police and Uniformed Employees

Details of the Police Department drug-free workplace policy can be found in the Police Department's Rules and Regulations Manual, Section X, Substance Abuse Policy, located in the Police Department Administrative Office and on the Police Department Portal.

12.0 Airport Operations Employees

This section incorporates by reference all previous sections in this policy. Where contrary, this section prevails.

At certain airport facilities, the Authority performs as a Federal Aviation Administration (FAA) Certificate Holder and Operator and as such is classified as a regulated employer. FAA regulations require that each employee, including any assistant, helper, or individual in a training status, who performs a safety-sensitive function directly for an employer as defined by applicable Federal Aviation Regulations (FARs) must be subject to alcohol testing under an alcohol misuse prevention program implemented in accordance with this policy. This includes permanent full-time, permanent part-time, seasonal, and casual employees regardless of the degree of supervision. The safety-sensitive functions are:

- Airport Operations Coordinators (AOC)
- Airport Operations Specialists (AOS)
- Operations Clerk
- Airfield Maintenance Personnel with airside access
- Airport Operations Managers and Supervisors
- Director of Airport Operations

No certificate holder or operator may knowingly use any person to perform, nor may any person perform for a certificate holder or an operator, any function while that person has a Schedule I or Schedule II drug in his/her system.

No certificate holder or operator shall knowingly use any person to perform, nor shall any person perform for a certificate holder or operator any safety-sensitive function if the person has a verified positive drug test result or has refused to submit to a drug test required by this policy and the person has not met the requirements for returning to the performance of safety-sensitive duties.

Each certificate holder or operator shall test its employees who perform a function listed above in accordance with this policy upon reasonable belief (reasonable suspicion) that the employee is under the influence of drugs or alcohol.

This section applies to employees who perform a function listed herein for a certificate holder or operator (Covered Employee). For the purpose of this section, a person who meets the definition of a Covered Employee is considered to be performing the function for the certificate holder or operator.

- *Pre-duty use.* No covered employee shall perform safety-sensitive duties within four (4) hours after using alcohol. No certificate holder or operator having actual knowledge that such an employee has used alcohol within four (4) hours shall permit the employee to perform or continue to perform safety-sensitive functions.
- *Use following an accident.* No covered employee who has actual knowledge of an accident involving an aircraft for which he/she performed a safety-sensitive function at or near the time of the accident shall use alcohol for eight (8) hours following the accident, unless he/she has been given a post-accident test, or the employer has determined that the employee's performance could not have contributed to the accident.

13.0 Other Employees Subject to Random Testing

Other employees not specified above may be subject to random testing as required by law, rule, regulation, grant condition, or other applicable legal requirements. All provisions of this policy shall apply in such instances.

Exhibit A

Definition of Controlled Substance Schedules

The drugs and other substances that are considered controlled substances under the CSA are divided into five (5) schedules. A listing of the substances and their schedules is found in the **DEA regulations, 21 C.F.R. Sections 1308.11 through 1308.15**. A controlled substance is placed in its respective schedule based on whether it has a currently accepted medical use in treatment in the United States and its relative abuse potential and likelihood of causing dependence. Some examples of controlled substances in each schedule are outlined below.

NOTE: Drugs listed in Schedule I have no currently accepted medical use in treatment in the United States and, therefore, may not be prescribed, administered, or dispensed for medical use. In contrast, drugs listed in Schedules II-V have some accepted medical use and may be prescribed, administered, or dispensed for medical use.

Schedule I Controlled Substances

Substances in this schedule have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug or other substance under medical supervision.

Some examples of substances listed in Schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxymethamphetamine ("ecstasy").

Schedule II Controlled Substances

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence.

Examples of single entity Schedule II narcotics include morphine and opium. Other Schedule II narcotic substances and their common name brand products include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®), and fentanyl (Sublimaze® or Duragesic®).

Examples of Schedule II stimulants include: amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and

methylphenidate (Ritalin®). Other Schedule II substances include: cocaine, amobarbital, glutethimide, and pentobarbital.

Schedule III Controlled Substances

Substances in this schedule have a potential for abuse less than substances in Schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence.

Examples of Schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with codeine®). Also included are buprenorphine products (Suboxone® and Subutex®) used to treat opioid addiction.

Examples of Schedule III non-narcotics include benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as oxandrolone (Oxandrin®).

Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in Schedule III.

An example of a Schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®).

Other Schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes.

Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

EXHIBIT B

Delaware River and Bay Authority PRE-EMPLOYMENT - DRUG AND ALCOHOL NOTICE AGREEMENT AND CONSENT TO DRUG AND/OR ALCOHOL TESTING

All candidates for employment shall be provided a copy of this notice and required to execute the consent and release below.

I understand it is the policy of the Delaware River and Bay Authority (Authority) to conduct drug and/or alcohol tests of job candidates for the purpose of detecting drug and/or alcohol abuse, and that this is one of the requirements for consideration of employment with the Authority.

For the purpose of further consideration for employment, I hereby agree to submit to a drug and/or alcohol test and give consent to the testing agency to release to the Authority the results of the test.

I understand that favorable test results will not necessarily guarantee that I will be employed by the Authority.

If accepted for employment:

I agree to take drug and/or alcohol tests as communicated in the Authority's Drug-free Workplace Policy.

I understand that taking such tests is a condition of my continued employment.

I give consent to the testing agency to release to the Authority the results of my tests.

I release and hold harmless the Authority from any liability whatsoever arising from the request to furnish urine samples, the testing of such samples, and decisions made concerning my application for employment based upon the result(s) of the test(s).

Name: (Print) _____

Signature: _____

Date Signed: _____

Witness Name:

Witness Signature & Date:

EXHIBIT C

Delaware River and Bay Authority

POST ACCIDENT/INCIDENT

EMPLOYEE AGREEMENT AND CONSENT TO DRUG AND/OR ALCOHOL TESTING

All employees who are required to submit to a post accident/incident testing shall be provided a copy of this notice and required to execute the consent and release below.

I hereby agree, upon a request made under the Drug-free Workplace Policy of the Delaware River and Bay Authority (Authority), to submit to a drug and/or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug and/or alcohol test under Authority policy, or if I otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination. I further authorize and give full permission to have the Authority and/or its physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the Authority and/or to any governmental entity involved in a legal proceeding or investigation connected with the test.

This policy and authorization have been explained to me, and I have been told that if I have any questions about the test or the policy, those questions will be answered.

I UNDERSTAND THAT THE AUTHORITY WILL REQUIRE A DRUG SCREEN TEST UNDER THE DRUG-FREE WORKPLACE POLICY WHENEVER I AM INVOLVED IN A SERIOUS JOB-RELATED ACCIDENT/INCIDENT UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS AND/OR ALCOHOL IN THE ACCIDENT/INCIDENT OR INJURY EVENT.

Employee's Name: (Print) _____

Employee's Signature: _____

Date Signed: _____

Witness Name:

Witness Signature & Date:

EXHIBIT D
Delaware River and Bay Authority
DRUG AND ALCOHOL NOTICE
REASONABLE SUSPICION OBSERVATION FORM

Employee's Name: _____

Department: _____

Date(s): _____

A. KNOWING THE SIGNS

POSSIBLE "warning signs" of drug and/or alcohol abuse include, but are not limited to:

Moods:

- Depressed
- Anxious
- Irritable
- Suspicious
- Complains about others
- Emotional unsteadiness (e.g., outbursts of crying)
- Mood changes after lunch or break

Actions:

- Withdrawn or improperly talkative
- Spends excessive amount of time on the telephone
- Argumentative
- Has exaggerated sense of self-importance
- Displays violent behavior
- Avoids talking with supervisor regarding work issues

Absenteeism:

- Acceleration of absenteeism and tardiness, especially Mondays, Fridays, before and after holidays
- Frequent unreported absences, later explained as "emergencies"
- Unusually high incidence of colds, flus, upset stomach, headaches that cannot be explained or related to a diagnosed medical condition
- Frequent use of unscheduled annual leave time
- Leaving work area more than necessary (e.g., frequent trips to water fountain and bathroom)
- Unexplained disappearances from the job with difficulty in locating employee
- Requesting to leave work early for various reasons

Accidents:

- Taking of needless risks
- Disregard for safety of others
- Higher than average accident rate on and off the job

Work Patterns:

- Inconsistency in quality of work
- High and low periods of productivity
- Poor judgment/more mistakes than usual and general carelessness
- Lapses in concentration
- Difficulty in recalling instructions
- Difficulty in remembering own mistakes
- Using more time to complete work/missing deadlines
- Increased difficulty in handling complex situations

Relationship to Others on the Job:

- Overreaction to real or imagined criticism (paranoid)
- Avoiding and withdrawing from peers
- Complaints from co-workers
- Borrowing money from fellow employees
- Persistent job transfer requests
- Complaints of problems at home such as separation, divorce and child discipline problems

B. OBSERVING AND DOCUMENTING CURRENT INDICATORS

Patterns of any of the above conduct or combinations of conduct may occur but must be accompanied by indicators of impairment in order to establish "reasonable cause." Please check all indicators listed below that are **currently** present:

- | | |
|--|---|
| <input type="checkbox"/> Constricted pupils | <input type="checkbox"/> Drowsiness |
| <input type="checkbox"/> Dilated pupils | <input type="checkbox"/> Odor of alcohol |
| <input type="checkbox"/> Scratching | <input type="checkbox"/> Nasal secretion |
| <input type="checkbox"/> Red or watering eyes | <input type="checkbox"/> Dizziness |
| <input type="checkbox"/> Involuntary eye movements | <input type="checkbox"/> Muscular incoordination |
| <input type="checkbox"/> Sniffles | <input type="checkbox"/> Unconsciousness |
| <input type="checkbox"/> Excessively active | <input type="checkbox"/> Inability to verbalize |
| <input type="checkbox"/> Nausea or vomiting | <input type="checkbox"/> Irritable |
| <input type="checkbox"/> Flushed skin | <input type="checkbox"/> Argumentative |
| <input type="checkbox"/> Sweating | <input type="checkbox"/> Difficulty concentrating |
| <input type="checkbox"/> Yawning | <input type="checkbox"/> Slurred speech |
| <input type="checkbox"/> Twitching | <input type="checkbox"/> Bizarre behavior |
| <input type="checkbox"/> Violent behavior | <input type="checkbox"/> Needle marks |
| <input type="checkbox"/> Possession of paraphernalia (such as syringe, bent spoon, metal bottle cap, medicine dropper, glassine bag, paint can, glue tube, nitrite bulb, or aerosol can) | |
| <input type="checkbox"/> Possession of substance that appears to possibly be a drug or alcohol | |
| Other _____ | |
| _____ | |
| _____ | |

C. DETERMINING REASONABLE CAUSE

If you are able to document one or more of the indicators above, ask yourself these questions to establish reasonable cause:

Y N

- Has some form of impairment been shown in the employee's appearance, actions or work performance?
- Do you believe the impairment results from the possible use of drugs or alcohol?
- Are the facts reliable? Did you witness the situation personally, or are you sure that the witness/es is/are reliable and have provided firsthand information?
- Are the facts capable of explanation by you?
- Are the facts capable of documentation by you?
- Is the impairment current, today, now?

Do **NOT** proceed with reasonable cause testing unless all of the above questions are answered with a YES.

D. TAKING ACTION

Reasonable cause established

Reasonable cause NOT established

Prepared by:

Supervisor's/Manager's Signature & Date: _____

Department Head Signature & Date: _____

Functional Chief Officer Signature & Date: _____

Chief Operations Officer Signature & Date: _____

)

EXHIBIT E

Delaware River and Bay Authority

REASONABLE SUSPICION

EMPLOYEE AGREEMENT AND CONSENT TO DRUG AND/OR ALCOHOL TESTING

All employees who are required to submit to reasonable suspicion testing shall be provided a copy of this notice and required to execute the consent and release below.

I hereby agree, upon a request made under the Drug-free Workplace Policy of the Delaware River and Bay Authority (Authority), to submit to a drug and/or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug and/or alcohol test under Authority policy, or if otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination. I further authorize and give full permission to have the Authority and/or its physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the Authority and/or to any governmental entity involved in a legal proceeding or investigation connected with the test.

This policy and authorization have been explained to me, and I have been told that if I have any questions about the test or the policy, those questions will be answered.

I UNDERSTAND THAT THE AUTHORITY WILL REQUIRE A DRUG TEST UNDER THE DRUG-FREE WORKPLACE POLICY WHENEVER I AM REASONABLY SUSPECTED OF BEING UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL.

Employee's Name: (Print) _____

Employee's Signature: _____

Date Signed: _____

Witness Name:

Witness Signature & Date: _____

EXHIBIT F

LISTING OF POSITIONS SUBJECT TO POST-OFFER, PRE-EMPLOYMENT DRUG TESTING

	POSITION/GRADE
1.	ABLE-BODIED SEAMAN, FIRST CLASS (UNION)
2.	ABLE-BODIED SEAMAN, SECOND CLASS (UNION)
3.	ACCOUNTANT (K)
4.	ACCOUNTING MANAGER (I)
5.	ACCOUNTING SPEC (M)
6.	ADMINISTRATIVE SUPPORT SUPERVISOR(M)
7.	ADMINISTRATIVE ASSISTANT (M)
8.	ADMINISTRATIVE COORDINATOR - POLICE (K)
9.	AIRPORT MAINT SUPERVISOR(K)
10.	AIRPORT OPERATIONS COORDINATOR (UNION)
11.	AIRPORT OPERATIONS SPECIALIST (UNION)
12.	APPLICATIONS ADMINISTRATOR (K)
13.	APPLICATIONS MANAGER (I)
14.	ASSISTANT F & R MANAGER (K)
15.	ASSISTANT AIRPORT OPS MGR (J)
16.	ASSISTANT ENGINEER (FIRST) (UNION)
17.	ASSISTANT ENGINEER (THIRD) (UNION)
18.	ASSISTANT CHIEF ENGINEER (G)
19.	ASSISTANT DIRECTOR-MAINT (G)
20.	ASSISTANT DIR. FERRY OPERATIONS (G)
21.	ASSISTANT PORT CAPTAIN (H)
22.	ASSISTANT PORT ENGINEER (H)
23.	ASSISTANT SUPERINTENDENT FOOD&RETAIL (H)
24.	BID AND CONTRACT ADMIN (L)
25.	BUILDING MAINTENANCE SUPERVISOR (K)
26.	BUSINESS MANAGER (I)
27.	BUSINESS OPERATIONS MANAGER (I)
28.	CATERING & BANQ EVNTS MGR (I)
29.	CHEF/CULINARY MANAGER-CMLF (J)
30.	CHIEF ENGINEER (F)
31.	CHIEF ENGINEER (UNION)
32.	CHIEF FINANCIAL OFFICER (E)
33.	CHIEF HR OFFICER (E)
34.	CHIEF INFORMATION OFFICER (E)
35.	CHIEF OPERATIONS OFFICER (E)
36.	CONTROLLER (G)
37.	CORPORAL (UNION)
38.	CULINARY CHEF/SALES MANAGER-LEWES (I)
39.	CUSTODIAL SVCS SUPERVISOR (M)
40.	CUSTOMER SERV REP (N)
41.	CUSTOMER SERVICE MANAGER (I)
42.	CUSTOMER SERVICE SUPERVISOR(K)
43.	DECK MAINTENANCE SUPERVISOR (L)
44.	DEPUTY EXECUTIVE DIRECTOR (E)
45.	DEPUTY POLICE ADMINISTRATOR(G)
46.	DIRECTOR AIRPORT OPERATION (F)
47.	DIRECTOR ENV CMPL & SFTY (G)

48.	DIRECTOR FERRY OPERATIONS (F)
49.	DIRECTOR OF FINANCE (F)
50.	DIRECTOR OF INFO TECH (G)
51.	DIRECTOR OF MAINT OPS (F)
52.	DIRECTOR OF TECHNICAL OPERATIONS (G)
53.	DIRECTOR OF MARKETING (G)
54.	DISPATCHER (M)
55.	ELECTRONIC SYSTEMS MANAGER (I)
56.	ELECTRONIC SYSTEMS TECH APPRENTICE (UNION)
57.	ELECTRONIC SYSTEMS TECHNICIAN (UNION)
58.	EMPLOYEE RELATIONS AND COMPLIANCE MANAGER (H)
59.	EMPLOYEE RELATIONS SPECIALIST BUSINESS PARTNER (K)
60.	ENGINEERING TECHNICIAN (L)
61.	ENVIRONMENTAL & SFTY MGR(I)
62.	EXECUTIVE DIRECTOR (E)
63.	EXECUTIVE SECRETARY (L)
64.	F/R SUPERVISOR (M)
65.	FIR WAREHOUSE SUPERVISOR-CMLF (L)
66.	FIR WAREHOUSE SUPERVISOR-LEWES (M)
67.	FACILITIES MANAGER (H)
68.	FERRY CAPTAIN (H)
69.	FERRY MARKETING MANAGER (J)
70.	FOOD SERVICE SPECIALIST (UNION)
71.	HELP DESK SPECIALIST (L)
72.	HR ADMINISTRATOR (L)
73.	HR GENERALIST & QC ANALYST (K)
74.	HR SUPERVISOR (J)
75.	HUMAN RESOURCES SPECIALIST (K)
76.	INTEGRATED DIGITAL STRAT MG m
77.	LANDSCAPING MAINTENANCE SUPERVISOR (K)
78.	LEGAL ASSISTANT/PARALEGAL (L)
79.	LIEUTENANT (I)
80.	MAINTENANCE JOURNEYMAN (UNION)
81.	MAINTENANCE SENIOR JOURNEYMAN (UNION)
82.	MAINTENANCE SPECIALIST (UNION)
83.	MAINT TECH SUPERV-ELECT (J)
84.	MAINT TECH SUPERVISOR-FLEET(J)
85.	MAINT TECH SUPERVISOR-RV AC (J)
86.	MANAGER-AIRPORTS (J)
87.	MANAGER FOOD & RETAIL m
88.	MARINE ELECTRICIAN (UNION)
89.	MARINE ELECTRONICS TECHNICIAN (UNION)
90.	MARINE MECHANIC, FIRST CLASS <UNION)
91.	MARINE MECHANIC, SECOND CLASS (UNION)
92.	MARKETING & GOVERNANCE ADMINISTRATOR (J)
93.	MASTER CORPORAL (UNION)
94.	MATE (UNION)
95.	MECHANIC ASSISTANT (UNION)
96.	MGR-MKTG,GRNTS CULTRL PROG(I)
97.	NETWORKENGINEER(H)
98.	OILER (UNION)
99.	OPERATIONS CLERK (UNION)
100.	ORDINARY SEAMAN (UNION)

101.	PILOT (UNION)
102.	POLICE ADMINISTRATOR (F)
103.	POLICE CAPTAIN (H)
104.	PATROL OFFICER (UNION)
105.	PATROL OFFICER FIRST CLASS (UNION)
106.	PORT CAPTAIN (G)
107.	PORT ENGINEER (G)
108.	PROCUREMENTCOORDINATOR(J)
109.	PROCUREMENT MANAGER (H)
110.	PROJECT ENGINEER I (J)
111.	PROJECT ENGINEER II (H)
112.	PROJECT ENGINEER III (G)
113.	PROPERTY MANAGER (H)
114.	PUBLIC SERVICE AIDE (O)
115.	PURCHASING AGENT (L)
116.	QMED (UNION)
117.	ROADS MAINT SUPERVISOR (K)
118.	SAFETY & ENVIRON SPEC (K)
119.	SENIOR MANAGER-AIRPORTS (H)
120.	SERGEANT (J)
121.	SR ACCOUNTANT (J)
122.	SR CORPORAL (UNION)
123.	SR CUSTOMER SERV REP-CMLF (M)
124.	SR HR BUSINESS PARTNER (I)
125.	SR MANAGER-MAINT NORTH (H)
126.	SR MGR-MAINTENANCE SOUTH (H)
127.	SR MGR-MARINE MECHANICS (H)
128.	SR TOLL COLLECTOR (UNION)
129.	STAFF ATTORNEY (G)
130.	STRUCTURAL PROJECT ENGINEER III (G)
131.	STAFF SERGEANT (J)
132.	STRUCTURES MAINTENANCE SUPERVISOR (K)
133.	SUPERINTENDENT FOOD&RETAIL (G)
134.	SUPERINTENDENT TOLL OPS (H)
135.	SUPERVISOR-MAINT SOUTH (K)
136.	SUPPLIER DIVERSITY MANAGER (I)
137.	SYSTEMS MANAGER - SERVER (I)
138.	TALENT ACQUISTION MANAGER (I)
139.	TECHNICAL PRODUCT MANAGER (H)
140.	TERMINAL MANAGER (I)
141.	TOLL COLLECTOR (UNION)
142.	TOLL SUPERVISOR (K)
143.	TRAFFIC MAINTENANCE SUPERVISOR (K)
144.	WAREHOUSE AND PURCHASING MGR-CMLF (K)
145.	WAREHOUSE SUPERVISOR-DMB (K)
146.	WELDER (UNION)



THE DELAWARE RIVER AND BAY AUTHORITY

DELAWARE MEMORIAL BRIDGE
POST OFFICE BOX 71
NEWCASTLE, DELAWARE 19720
302-571-6303
FAX: 302-571-6367

POST OFFICE BOX 71
NEW CASTLE, DELAWARE 19720
302-571-6303
FAX: 302-571-6367

CAPE MAY - LEWES FERRY
POST OFFICE BOX 827
CAPE MAY, NEW JERSEY 08204
609-886-9699
FAX: 609-886-1021

ACKNOWLEDGEMENT OF THE DRUG-FREE WORKPLACE POLICY

I, the undersigned, have read and been given a copy of Delaware River and Bay Authority's ("Authority") Drug-Free Workplace Policy (the "Policy") dated July 21, 2023.

I understand that as a condition of employment, I am subject to its provisions, and to changes that may be made in the Policy from time to time. I further understand that the Authority may conduct drug and alcohol tests on its employees under the circumstances described in the Policy. I hereby give my consent to the Authority and any laboratory/health care provider that the Authority may designate, to collect and test urine/blood samples from me to identify the presence of drugs and alcohol. I also authorize any such laboratory/health care provider that performs such test(s) to release the test result(s) to the Authority and any medical review officer designated by the Authority.

Employee Name -Printed

Employee Signature

Date