11212. RESOLUTION 17-07 – RESOLUTION BY THE DELAWARE RIVER AND BAY AUTHORITY TO REVISE THE AUTHORITY-WIDE ALCOHOL AND DRUG POLICY SECTION OF THE PERSONNEL MANUAL

WHEREAS, the Delaware River and Bay Authority (the "Authority") Personnel Manual (the "manual") was established in 1965 and last revised in March 2000, sets forth certain terms and conditions of employment and provides general descriptions and guidelines concerning the Authority's personnel policies and practices; and

WHEREAS, a draft of the manual proposing significant revisions to the Authority's Drug and Alcohol Policy to include pre-employment drug testing for all prospective employees and to include post-accident/incident testing and reasonable suspicion testing for all employees was presented to the Personnel Committee of the Authority's Board of Commissioners on January 18, 2017, by the Executive Director and Chief Human Resources Officer, is intended to replace in its entirety the current **Section XVII Drug and Alcohol Policy** with the attached **Exhibit A**; and

WHEREAS, the Personnel Committee of the Authority's Board of Commissioners recommends the acceptance of these revisions to **Section XVII Drug and Alcohol Policy** of the Personnel Manual; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority hereby amends the Personnel Manual as approved by the Personnel Committee and incorporates without limitations the provisions as set forth below:

SECTION XVII: Alcohol and Drug Policy revisions to include:

- Changing policy title to Drug-free Workplace Policy;
- Add pre-employment drug testing for prospective employees in select positions that are considered safety sensitive;
- Add post-accident/incident drug testing for all employees;
- Add reasonable suspicion drug testing for all employees; and
- Update language throughout policy to incorporate best practices in this field.

A motion to approve Resolution 17-07 was made by Commissioner Van Sant, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 17-07 Executive Summary Sheet

Resolution:

Revise the Authority-wide Alcohol and Drug Policy and the

Employee Classifications Sections of the Personnel Manual

Committee:

Personnel Committee

Committee Date:

January 18, 2017

Board Date:

January 18, 2017

Purpose of Resolution:

To approve recommended revisions to the Personnel Manual (significant revisions summary attached) as presented by the Executive Director and Chief Human Resources Officer.

Background for Resolution:

The Authority's Personnel Manual has been in existence since 1965; this manual was last revised in March 2000.

The Personnel Manual provides general descriptions and guidelines concerning the Authority's personnel policies and practices. The provisions in the Personnel Manual are subject to change by the Authority at any time.

The Delaware River and Bay Authority has a vital interest in establishing and maintaining a safe, healthy work environment for its employees and the public it serves. It is the goal of the Authority to establish and maintain safety at all of our facilities, reduce the number of safety incidents to persons and property, as well as comply with applicable Federal and state laws and regulations governing drug and alcohol abuse programs. The Authority is recommending significant revisions to the current Alcohol and Drug Policy to implement best practices in the workplace.

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 <u>DEA regulations</u>, <u>21 C.F.R. Sections 1308.11 through 1308.15</u>. 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®).

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:	v ====================================
Date Signed:	-
Witness Name:	2
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:

		Constricted pupils	Drowsiness
	_	Dilated pupils	Odor of alcohol
	_	Scratching	Nasal secretion
	_	Red or watering eyes	Dizziness
	_	Involuntary eye movements	Muscular incoordination
		Sniffles	Unconsciousness
		Excessively active	Inability to verbalize
	_	Nausea or vomiting	Irritable
	_	Flushed skin	Argumentative
	_	Sweating	Difficulty concentrating
	_	Yawning	Slurred speech
	_	Twitching	Bizarre behavior
	_	Violent behavior	Needle marks
		Possession of paraphernalia (such as syringe,	bent spoon, metal bottle cap,
		medicine dropper, glassine bag, paint can, glu	ue tube, nitrite bulb, or aerosol can)
		Possession of substance that appears to possil	bly be a drug or alcohol
		Other	
C.	וח	ETERMINING REASONABLE CAUSE	
-		re able to document one or more of the indicators	above, ask yourself these questions to establish reasonable
cau	se:		
Y	N		
[]	[]	Has some form of impairment been shown in twork performance?	he employee's appearance, actions or
[]	[]	Do you believe the impairment results from th	e possible use of drugs or alcohol?
[]	[]	Are the facts reliable? Did you witness the situation witness/es is/are reliable and have provided first	
[]	[]	Are the facts capable of explanation by you?	
[]	[]	Are the facts capable of documentation by you?	
[]	[]	Is the impairment current, today, now?	

Do <u>NOT</u> proceed with reasonable cause testing unless all of the above questions are answered with a YES.

Reasonable cause established	Reasonable cause NOT established
Prepared by:	
Supervisor's/Manager's Signature & Date	×
Department Head Signature & Date:	
Functional Chief Officer Signature & Dat	te:
Chief Operations Officer Signature & Da	te:

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 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 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.	F/R WAREHOUSE SUPERVISOR-CMLF (L)	
66.	F/R 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 (I)	
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-HVAC (J)	
86.	MANAGER-AIRPORTS (J)	
87.	MANAGER FOOD & RETAIL (I)	
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.	NETWORK ENGINEER (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.	PROCUREMENT COORDINATOR (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 NEW CASTLE, 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 January 18, 2017.

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