

STATE EMPLOYMENT
RELATIONS BOARD

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CONCILIATION AWARD

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

March 3, 1997

In the Matter of :

Jackson Township Board of Trustees)

and)

Jackson Township Professional)
Firefighters Local 2280)

Case No. 96-MED-09-0707

APPEARANCES

For the Employer:

Robert J. Tscholl, Attorney
Ted Heck, Chief, JTFD
Craig C. Snee, Trustee
Daniel L. McKimm, Trustee

For the Union:

Edward C. Maher, Attorney
Gary Martin, Negotiating Committee
Roy Green, Negotiating Committee
Frank Krauss, Negotiating Committee
Tracy R. Hogue, Negotiating Committee

Conciliator:

Nels E. Nelson

BACKGROUND

The instant dispute involves negotiations between Jackson Township and the Jackson Township Professional Firefighters for a successor agreement to the contract which expired on December 31, 1996. The parties held a number of negotiating sessions but were unable to reach agreement. A Factfinder was appointed on November 12, 1996.

The factfinding hearing took place on November 29, 1996. At that time agreement was reached on all issues except drug and alcohol testing. The township proposed a policy which included random testing. The union suggested a policy that provided for testing after an accident and for reasonable suspicion.

The Factfinder's report was issued on December 18, 1996. He recommended the following:

Promptly upon the execution of the present Contract, representatives of the parties will meet to consider the development of a "reasonable suspicion" and "post-accident" drug and alcohol testing policy. In the event no agreement is reached with respect to the terms of such a policy, by March 1, 1997, then, upon notice by either party, the Contract shall be reopened for the sole and limited purpose of negotiating the terms of a "reasonable suspicion" and post-accident drug and alcohol testing policy, and upon impasse being declared in such negotiations, either party may refer any and all disputes over the terms of such a policy to the mediation, fact-finding and conciliation process as may be necessary.

The report was accepted by the union but rejected by the township.

The Conciliator was appointed on January 14, 1997. The hearing was conducted on February 5, 1997. The township's final offer demanded random drug and alcohol testing. The union adopted the Factfinder's recommendation as its final offer. The union's intention was that the parties would attempt to negotiate a drug and alcohol policy based on reasonable suspicion and that if they failed to reach agreement, the dispute would be returned to the Conciliator.

The Conciliator indicated to the parties that he had some concerns about the union's final offer. He stated that he was uncomfortable with an award which did not

dispose of the issue before him and required him to retain jurisdiction. The Conciliator also suggested that further negotiations between the parties might be fruitless and that the union's final offer would simply prolong the dispute.

After a brief discussion the parties were given the opportunity to submit revised final offers. The union agreed to submit a revised final offer. It was submitted on February 7, 1997.

The recommendations of the conciliator are based on the criteria contained in Section 4117.14(G)(7) of the Ohio revised Code. They are:

- (a) Past collectively bargained agreements, if any, between the parties;
- (b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interest and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

ISSUE

The sole issue before the Conciliator is drug and alcohol testing. As indicated above, the essence of the dispute is random testing versus testing based on reasonable suspicion.

Township Position

The township argues that its final offer ought to be selected. Craig Snee, a township trustee who was a unit drug and alcohol officer in the Marines, testified that drug testing is a fact of life in today's workplace. He claimed that the public strongly supports the township's position and that if it were on the ballot, it would be overwhelmingly approved.

The township contends that random testing is necessary because it is not always easy to tell when an individual is under the influence of drugs or alcohol. Daniel McKimm, a township trustee, observed that even parents sometimes cannot recognize when their own child has a substance abuse problem. He also stated that when he was a police officer, it was difficult to know when an officer was under the influence of drugs or alcohol. McKimm stressed that a firefighter who is impaired is a threat to public safety since he drives large vehicles at high speeds and, as a paramedic, administers drugs.

The township rejects the union's contention that firefighters would not tolerate a co-worker who abuses drugs or alcohol. It points out that in Canton not only did firefighters fail to report a co-worker who was selling drugs out of a fire station and supplying drugs to a 16-year old girl but the union attempted to overturn the employee's discharge in arbitration.

The township maintains that its proposal is important for risk management. It indicates that it pays \$600,000 for health insurance, \$400,000 for workers' compensation coverage, and \$150,000 for liability insurance. The township believes that its drug and alcohol policy would reduce accidents and thereby reduce premiums.

The township asserts that internal comparisons support its position. It stresses that the unions representing employees in the highway department and the police department have agreed to its drug and alcohol policy. The township acknowledges that other fire departments do not have random testing but notes that someone must be the first.

Union Position

The union argues that its drug and alcohol policy is reasonable and ought to be adopted. It points out that its proposal provides for pre-employment and post-accident testing. The union notes that it accepts testing based upon reasonable suspicion and that its proposal provides a proper definition of the term.

The union claims that its members would be able to detect a co-worker with a drug or alcohol problem. Frank Krauss, a member of the negotiating committee and a fire captain, testified that firefighters live together during their 24-hour shifts so they are under constant observation by co-workers. He also noted that all of the firefighters are paramedics who have been trained to recognize drug and alcohol problems.

The union asserts that its members would not tolerate a firefighter with a drug or alcohol problem. It indicates that a firefighter who is impaired would be a hazard to other employees. The union notes that a captain or an acting captain is always on duty to observe employees.

The union charges that the township's proposal constitutes an invasion of privacy. It contends that taking a person's blood and urine is a violation of the Fourth Amendment to the Constitution. The union further maintains that random testing implies that one or more individuals or an entire group are guilty of substance abuse.

The union objects to several of the details of the township's proposal. First, it believes that the township administrator rather than a "designated representative" should supervise the program. Second, the union wishes to use the disciplinary procedure in the collective bargaining agreement rather than creating a new disciplinary program. Third, it maintains that all tests ordered or requested should be performed at the expense of the township. Finally, the union contends that positive and negative test results should stay in an employee's file the same length of time rather than positive results being retained longer.

The union emphasizes that comparisons to other jurisdictions support its position. It points out that none of the four paid fire departments in Summit County have random drug testing. The union notes that Canton, Massillon, and Plain have testing for reasonable suspicion and Alliance has no testing.

Analysis

The Conciliator is bound by the criteria contained in Section 4117.14(G)(7) of the Ohio Revised Code in selecting between the final offers of the parties. One of the criteria is comparisons to employees doing similar work. The union relies on external comparisons -- none of the four full-time fire departments in Summit County require random drug and alcohol testing and one has no drug and alcohol policy. The township relies on internal comparisons -- the unions representing highway department employees and police officers have agreed to its drug and alcohol policy including random testing.

The Conciliator believes that both the internal and external comparisons must be considered. Internal comparisons are frequently given substantial weight by Factfinders and Conciliators but in other instances external comparisons are given greater weight. Frequently it is the employer which argues that internal comparisons are entitled to the greater weight but on some occasions it is the union.

The Conciliator does not believe that there can be any hard and fast rule concerning the relative weight attached to internal and external comparisons. The weight depends on the issue involved and the specific circumstances. In the instant case drug and alcohol testing involves different circumstances in each of the township's bargaining units. Employees in the highway department are required to have commercial drivers' licenses and the holders of such licenses are required by law to submit to random testing. This fact clearly reduces any weight that can be attached to the fact that the union representing highway department employees agreed to random drug and alcohol testing.

The police department also involves different considerations than the fire department. First, as the union pointed out, firefighters live with each other during their

24-hour shifts while police officers frequently work alone. It would be much more likely for a police officer with a substance abuse problem to go undetected than a firefighter. Second, police officers in the course of their work come into contact with drugs and drug dealers. Perhaps the proximity to drugs could increase the likelihood of drug use. Most importantly, police officers must enforce laws relating to drug and alcohol use. Even apart from any possible impairment, there is a rationale to be sure that police officers are not using drugs or abusing alcohol.

Another fact to be considered is the strength of the comparison. The internal comparisons are weak. While two bargaining units have agreed to random testing, one unit is required by law to submit to random testing and in the other unit there appears to be a particular rationale for instituting such testing. The external comparisons, however, are very strong. Not only does no fire department in Summit County have random testing but the township offered no evidence indicating that any fire department in Ohio has random testing.

Another statutory criterion is the public interest. Obviously, public safety would be jeopardized if firefighter/paramedics were on duty in an impaired state. The Conciliator, however, believes that the reasonable suspicion standard provides sufficient protection against that happening. As indicated above, firefighters live together during their 24-hour shifts and would be aware of an employee who reports to work in an impaired condition.

The Conciliator cannot accept the township's contention that the firefighters would fail to take action against a co-worker who is abusing drugs or alcohol. Such a person would place the lives of firefighters as well as the public in jeopardy. The fact that in another city a firefighter who was dealing drugs was not reported does not mean that the township's firefighters will not report a firefighter who is abusing drugs or alcohol. Furthermore, the fire department includes four assistant chiefs who are not members of the

bargaining unit who should be expected to enforce the reasonable suspicion provision of the drug and alcohol policy.

It is also important to note that there is no reason whatsoever to suspect that there is any drug or alcohol problem in the fire department. The union stated that there have never been such problems and the township agreed. The township's vague reference to a problem a number of years ago relating to an employee taking Valium appears to be irrelevant to the issue before the Conciliator.

The union's revised final offer is identical to the township's final offer with two changes. First, it deletes the reference to random testing in Section 102 and eliminates entirely Section 103 which contains the procedures regarding random testing. Second, the revised offer requires negative drug and alcohol test results to be retained in an employee's file for five years -- the same time positive results are retained. Even with these changes, the township is left with a strong policy regarding drug and alcohol abuse which will protect the public and firefighters.

Based on the above analysis, the Conciliator must choose the union's revised final offer.

Award

The Conciliator selects the union's revised final offer which is attached as Appendix A.



Nels E. Nelson
Conciliator

March 3, 1997
Russell Township
Geauga County, Ohio

APPENDIX A

PROCEDURES FOR WORKPLACE TESTING REQUIREMENTS FOR EMPLOYEES

Section 100 Purpose and Scope

This policy applies to all bargaining unit employees. It will be implemented in a consistent, nondiscriminatory manner. All employees will be provided a copy of the Township's drug testing policy prior to its implementation and will be provided information concerning the impact of the use of alcohol or drugs on job performance. Employees shall be trained to recognize the symptoms of drug abuse, impairment and intoxication. All employees will be informed of the causes for testing, how well the tests perform and what tests will be conducted. All employees must sign an acknowledgement form indicating receipt of this policy.

All newly hired employees will receive the information on their initial hire date. No employee shall be tested until this information is provided to the employee.

101 Definitions

Alcohol means alcohol or any beverage containing more than one-half of one percent of alcohol by volume that is capable of use for beverage purposes, either when alone or when diluted.

Drug means a controlled substance as defined by Chapter 3719 of the Ohio Revised Code, entitled "Controlled Substances," and/or Section 202, Schedules I through V of the Federal Controlled Substance Act, including but not limited to marijuana, hashish, "crack," cocaine, heroin, morphine, codeine, opiates, amphetamines, "ice," barbiturates and hallucinogens.

Reasonable suspicion means a conclusion by trained personnel based on personal observation of specific objective instances of employee conduct and documented in writing, that an employee is exhibiting aberrant or unusual on duty behavior which is the type of behavior that is recognized and accepted as a symptom of intoxication or impairment caused by controlled substances or alcohol and is not reasonably explained as a result of other causes such as fatigue, side effects to prescription or over the counter medication, reaction to fumes, smoke or other job related causes or factors. Such behavior may include, but is not limited to, a substantial drop in the employee's performance level, impaired judgment or reasoning, decreased level of attention or sensory abilities, or other behavioral changes.

Reasonable suspicion shall be based upon personal observations by a trained supervisor that must be documented in writing at the time of the observation. Reports of drug abuse or abnormal behavior that is not confirmed in writing by a trained supervisor will not constitute reasonable suspicion. Anonymous reports shall not constitute grounds for testing.

Drug Testing means collection of a urine specimen by medical personnel and a laboratory analysis of that specimen by Enzyme Immunoassay (EMIT) screening and confirmatory testing using the Gas Chromatograph/Mass Spectrometry (GC/MS) methods and procedures, or the most current and appropriate technology. No other testing procedures or methods may be utilized unless negotiated with the Union, or mandated by Federal Regulations.

Medical Review Officer (MRO): The MRO interprets the laboratory results of the drug tests and reports positive results to our Township after verifying that there are no valid medical explanations for the positive results. This individual shall be a licensed doctor with appropriate credentials.

Breath Alcohol Technician (BAT): The BAT shall be responsible for collection of breath samples for alcohol testing. The BAT shall be trained in the operation of the Evidential Breath Testing (EBT) device used to conduct the test.

Substance Abuse Professional (SAP): The SAP will evaluate the employee's situation, prescribe an appropriate treatment program, if necessary, and schedule unannounced follow-up testing once the employee has returned to duty.

Alcohol Testing: Means the use of a breath alcohol monitoring machine which is currently the Evidential Breath Testing (EBT) device.

102 Tests; Other requirements

This policy covers the following type tests:

- a. Pre-employment
- b. Deleted
- c. Reasonable suspicion
- d. Post-accident
- e. Return to Duty
- f. Follow up Testing

No alcohol may be consumed within four hours of performing the employee's duties.

103 Deleted

104 Post Accident

If an employee operating a Jackson Township vehicle is involved in: a) an accident where a fatality occurs; b) an accident in which an injury is treated away from the scene and the driver/employee receives a citation for a moving violation arriving from the accident, or c) an accident in which a vehicle is required to be towed from the scene and the driver/employee receives a citation for a moving violation arising out of the accident; the driver shall as soon as practicable be tested for alcohol and controlled substances.

All employees who are responsible for an accident/injury in the work place that causes an injury to himself or to others requiring medical attention may be subject to Post Accident Testing. The Township can defer the test if it is determined the test is unnecessary.

A decision of whether or not to administer a post accident test shall be made by the employee's Department Head provided that he was not involved in the accident. If the Department Head was involved in the accident, the President of the Board of Trustees will make this decision. The determination shall be based on the best information available at the time.

An alcohol test should be administered within two (2) hours following the accident and the Township shall cease attempts to administer the test after eight (8) hours. Failure to submit to a test within eight (8) hours shall be deemed a refusal.

The urine sample for a post-accident drug test shall be collected as soon as possible and the Township shall cease attempts to administer a post-accident drug test thirty-two (32) hours following the accident. Failure to submit to a test within eight (8) hours shall be deemed a refusal.

The employee shall not ingest any alcohol nor drugs until testing has been completed.

Implementation Procedures

- a. Any driver involved in a reportable accident as defined by this policy, shall notify the Employee's Department Head at the first available opportunity after the accident, at which time the driver will be advised to report to an appropriate collection site in order to provide the appropriate samples. To the extent possible, the driver should not transport himself to the collection site, but should arrange for someone else to transport him. However, if local law enforcement officials are on the scene of the accident and request the driver to undergo urine, and/or breath tests, the driver shall simply comply with those demands.
- b. In the event the driver is seriously injured and unable to provide the necessary samples, he/she shall authorize the health care provider to release to the Township any information necessary to indicate the presence of any controlled substance or alcohol in his system.
- c. The Department Head will be responsible to see that the employee knows he/she must report to a collection site for testing as soon as possible but no later than eight (8) hours after the accident.

Prior to such testing, employees shall be required to sign a form acknowledging testing and to sign for chain-of-custody. Failure or refusal to sign the acknowledgment form or to submit to these tests shall be presumed as a positive test, subjecting the driver to removal from service, which is cause for a charge of insubordination and will result in disciplinary action, which could include discharge.

The Township shall obtain and retain a copy of the completed Accident Report Form, including a notation of the citation, for any accident, and state whether testing is/is not required. This Accident Report Form will be kept in the Administrator's office.

The Township shall retain a copy of results from the MRO. Positive test results shall be kept five (5) years and negative test results shall be kept for five(5) years. The Township shall retain a copy of the letter from an employee requesting a retest of the original sample.

105 Procedures for Reasonable Suspicion Testing

Reasonable suspicion testing shall be required when a trained supervisor suspects that an employee is under the influence of a prohibited substance. Reasonable cause test referrals shall be based on objective facts, circumstances, or physical evidence, physical signs, symptoms or a pattern of performance or behavior, not on instinct or intuition.

An employee who is suspected of using a prohibited substance shall be administered a drug and/or alcohol test. NOTE: An employee is suspected of using a prohibited substance when a supervisor who is trained in the detection of prohibited substances use under this program policy can articulate and substantiate specific behavioral, performance or contemporaneous physical indicators or probable drug use.

A supervisor who has reasonable suspicion that an employee is unfit for duty because he/she appears to have ingested, inhaled or injected an illicit drug, or to have taken a prescribed drug in a manner inconsistent with the physician's direction for use, or has ingested an alcoholic beverage when reporting for or while off duty must:

- a. Prohibit the employee from working or continuing to work.
- b. Transport the employee, or make arrangements for transportation, to the designated medical facility identified by the Township for testing. After testing, arrangement should be made for safe transportation to the employee's residence or a place selected by a relative or friend of the employee.
- c. Prepare appropriate documentation and take appropriate disciplinary action.
- d. Supervisors are prohibited from demanding or encouraging drug or alcohol testing that does not follow the guidelines established in this policy. Willful disclosure of test results to persons not involved in the disciplinary procedure may merit appropriate disciplinary action which could include discharge.
- e. The Supervisor shall call the Administrator. If unavailable, he shall call the Law Director.

- f. The Supervisor shall call a Union representative.
- g. If the employee refuses to submit to the test, warn the employee that he/she may not return to his/her covered position until he/she passes a test, and explain to him/her that a refusal to test is considered a positive test.
- h. The Township or supervisor cannot be expected to determine whether an employee has a substance abuse problem. Even treatment professionals have difficulty identifying such problems. Substance abuse problems can often be confused with emotional difficulties, reaction to stress, physical illness, and other causes.
- i. There are some behaviors, which suggest the possibility of an abuse problem. The presence of one of these behaviors probably does not mean the employee has a problem; the presence of several suggests that the employee does have a problem, whether it's substance abuse or something else. Some of the behaviors often found in people with substance abuse problems may include:
 - 1. Being continually late for work, specially after a day missed day.
 - 2. Displaying a change in safety record; more accidents or near-accidents, more safety violations, etc.
 - 3. Getting traffic tickets or warnings for speeding, reckless
 - 4. Driving, driving under the influence, etc.
 - 5. Displaying abrupt mood swings or unexplained, inconsistent changes in mood or energy level as the day goes on.
 - 6. Missing appointments.
 - 7. Increasingly missing work and calling in sick, particularly when the calls are made by the spouse, not the worker.
 - 8. Taking long breaks, particularly if there is a noticeable change in mood or energy level after the break.
 - 9. Disappearing at times throughout the day and not being able to account for those times.
 - 10. Becoming isolated from other workers or any other change in relationships with coworkers.
 - 11. Being unable to get along with coworkers or, in a previously friendly person, avoiding others.
 - 12. Although these are some symptoms that may indicate a problem, they are by no means all of them. A good rule of thumb is to

investigate any situation that has a remote possibility of endangering the employee, coworkers, and/or clients or any situation that an employee is not working responsibly.

106 Testing Procedures

The following test procedure shall apply to all employees:

- a. Urine specimens shall be collected at the approved laboratory as stated below in section (e), or at an accredited medical facility when necessary after an accident.
- b. A Union representative, if available, shall be allowed to accompany the employee to the test and observe collection, bottling and sealing of the specimen. The employee shall not be observed when the urine specimen is given. The Union representatives shall have not more than one (1) hour to report to the collection site. The Union shall provide the Township with three (3) Union representatives to contact. A Union representative contacted during work periods will not forfeit pay, and the representative contacted outside of work periods shall not be compensated by the Township for his/her time.
- c. All specimen containers, vials or bags used to transport the samples shall be sealed with evidence tape and labeled in the presence of the employee and/or Union representative, if present.
- d. The testing shall be done by a laboratory certified as a medical and forensic laboratory which complies with the scientific and technical guidelines for Federal drug testing programs and Standards for Urine Drug Testing for Federal Agencies issued by the Alcohol, Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services. (53 Fed. Reg. 11970 4/11/88).
- e. The Union and the Township may choose the laboratory to be utilized for toxicology testing on a yearly basis. Currently, the Center for Occupational Medicine collects the samples and delivers them to a Federally approved testing laboratory.
- f. The following standards shall be used to determine what levels of detected substances shall be considered positive. NOTE: These are current levels subject to change by Federally Mandated Regulations. Current Federal Regulations shall be controlling in case of change or conflict:

DRUG	SCREENING TEST	CONFIRMATION
Amphetamines	1,000 ng/ml Amphetamines	500 ng/ml G-MS
Marijuana Metabolites	100 ng/ml Delte-THC	15 ng/ml G-MS
Cocaine Metabolites	300 ng/ml Metabolites	150 ng/ml G-MS
Opiates Morphine	300 ng/ml	300 ng/ml G-MS
PCP	25 ng/ml PCP	25 ng/ml G-MS
Alcohol	.04 Breath .02 - .039 Breath will be removed from driving for 24 hours	

- g. Tests which are below the levels set forth above shall be determined as negative. If test results are negative, all non required documentation regarding supervisor's observations and testing will be destroyed.
- h. At the time the urine specimen is collected two (2) samples will be taken. One (1) sample will be sent to the laboratory to be tested at the Township's expense. If the first sample tests positive then upon written request by the employee within 72 hours, the second sample shall be tested separately at an approved laboratory chosen by the test facility from the list agreed to by the Union. All test results are to be reviewed by the MRO before being released.
- i. Breath alcohol testing for operators, using the EBT device, with any result less than .02 alcohol concentration shall be considered a "negative" test. If any results test between .02 and .039, the operator shall not be permitted to operate a Township vehicle for twenty-four (24) hours. A test result of .04 or greater shall be considered a "positive" test.

107 Test Results; Discipline

All test results shall be treated as confidential medical records.

If the results of the tests administered by the Township on

the sample shows that the employee while on duty was under the influence of or drank, smoked, inhaled or injected alcoholic beverages, marijuana, cocaine, PCP, non-prescribed amphetamines or any other controlled substances, appropriate disciplinary action may be administered after the following procedure has been followed.

The employee and the Union shall be given a copy of the laboratory report of the specimen sample before discipline is administered. The employee, within seventy-two (72) hours of receipt of actual notice from the MRO must request that the split sample be forwarded by the first laboratory to another independent and unrelated DHHS approved laboratory selected from a list approved by the Union for conformity testing of the presence of the drug. Failure of the Union or employee to have a second test performed shall not be used against the employee as a basis for discipline or in an arbitration proceeding. For a first offense of the Drug and Alcohol Policy (alcohol over .04, drug any positive test) an employee will be given an opportunity to participate and successfully complete a rehabilitation program. For failure to participate in or successfully complete a rehabilitation program or for a subsequent offense, an employee will be subject to discipline up to and including discharge.

If an employee who has tested positive for drug or alcohol abuse under this policy is referred to an inpatient or outpatient treatment program, said employee shall sign a release of medical information statement and all drug test results, records of admission progress, discharge and after care will be forwarded to the Township. Records regarding rehabilitation will be kept in confidential files separate from personnel files. The employee shall will be permitted to work provided the recommended treatment program does not prevent the employee from working. Work continuation is dependent upon documentation of the employees continued, successful participation in the recommended after care programs.

Employees who follow the recommendations of the counseling and rehabilitation program as established by the SAP will be required to provide a negative drug and/or alcohol test prior to returning to work. An alcohol test of over .02 is a positive test for these purposes. The employee is subject to unannounced testing that consists of at least six (6) tests in the first twelve months following the employee's return to duty. Based on the recommendation of the SAP, the Township may continue follow-up testing for an additional two (2) years.

108 Voluntary Assistance

Employees can request to use vacation, paid sick leave, or medical leave of absence to voluntarily enter inpatient medically supervised rehabilitation facilities. Rehabilitation leave is

subject to reasonable limitation and the Township's insurance policy.

109 Supervisor Training

Supervisors shall be trained:

- a. To recognize the symptoms of drug abuse, impairment and intoxication and to identify the elements of determination of reasonable suspicion.
- b. To effectively and appropriately intervene in reasonable suspicion instances.
- c. To identify basic categories of drugs and their effects.
- d. To understand the methods of the Townships' drug and alcohol testing procedures.
- e. To effectively and appropriately document reasonable suspicion cases.
- f. To implement disciplinary measures appropriately.

200 Drug Testing Facility

To the extent possible, collection of urine and breath samples for such testing shall be performed by the collection sites whose sample collection protocol has been approved by the Engineer and conforms to Federal regulatory requirements. The procedures and methodology in such testing shall be in accordance with governing Federal regulations. As of January 1, 1996 the Jackson Township Trustees have selected the following drug testing facility:

<u>PRIMARY</u>	<u>AFTER HOURS</u>
Center for Occupational Medicine (8 AM - 5 PM) 2626 Fulton Drive NW Canton, Ohio 44718 (216) 453-6050	Aultman Hospital (5 PM - 8 AM) 2600 6th Street SW Canton, Ohio 44708 (216) 453-6050

201 Medical Review Officer (MRO)

A Medical Review Officer's duties and determinations shall fully comply with 49 CFR Part 40 and the DOT final rule. The MRO's available at our drug testing facility include:

Dr. Richard Reichert

Dr. Perry Williams
Center for Occupational Medicine
2626 Fulton Drive NW
Canton, Ohio 44718

202 Substance Abuse Professional (SAP)

SAP duties and determinations will fully comply with 49 CFR Part 40 and the DOT final rule. An approved SAP can be obtained at the following program:

Timken Mercy Impact Program
Coordinator/Chemical Dependency Therapist
1320 Timken Mercy Drive NW
Canton, Ohio 44708
Tel: 216-489-1233

203 Breath Alcohol Technician (BAT)

The training and the duties of the BAT will be equivalent to the DOT's program. Below is a list of the BAT's who work at our testing facility:

Any employee certified as such at the
Center for Occupational Medicine
2626 Fulton Drive NW
Canton, Ohio
Tel: 216-453-6050

204 Approved Laboratories

The following laboratories shall be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). They will analyze urine specimens to meet DOT drug testing requirements. Our drug testing facility primarily uses the following approved laboratory, but a complete list of laboratories that may be used can be found in Appendix 700 A, pages 1 & 2.

MetPath Laboratories
875 Greentree Road
4 Parkway Center
Pittsburgh, Pennsylvania 15220

205 Collection Agency

The collection agency shall have qualified collection site personnel and shall follow DOT collection procedures. Our drug testing facility is a qualified DOT collection site.

Center for Occupational Medicine
2626 Fulton Drive NW
Canton, Ohio

Tel: 216-453-6050

206 Employee Assistance Program

The only obligation the Township has to the employee under DOT regulations is that the Township refers the employee to a source for these services. The following program is a source for treatment and information for drug and alcohol addiction:

Timken Mercy Impact Program
Contact: Nanette E. Robertson, LISW, CCDC III
Coordinator/Chemical Dependency Therapist
1320 Timken Mercy Drive NW
Canton, Ohio 44708
Tel: 216-489-1233

207 Anti-Drug Program Manager

The Jackson Township Administrator shall be designated as the anti-drug program manager and confidant with Ted R. Heck as alternate. The results of tests shall be passed on to her or her alternate.

301 New Employees

The Township will notify all applicants in writing that passing a drug test for marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines shall be a condition for employment. Upon selection, the candidate will be sent to the collection site for testing. If the candidate does not pass the test, the second desirable candidate will be tested.

The Township will contact the prior employers of the candidate to review testing results of the past two (2) years. The candidate must permit this inquiry. If applicable, the employer will review the candidate's compliance with any prior substance abuse professional.

302 Confirmation Test

The Township will hire a candidate only when written confirmation of negative test results has been received by the Township's designated representative from the Medical Review Officer (MRO).

303 Scope

All persons will be tested under this category before they are hired or can be assigned into a covered position.

304 Documentation of Test Results

Records will be retained for one (1) year on all employees passing a pre-employment drug test. Records will be retained for five (5) years on candidates not passing a pre-employment drug test.

Legal References

Ohio Revised Code Chapter 3719
Federal Controlled Substances Act, 21 U.S.C. 812
Drug Free Workplace Act of 1988, Public Law 100-790 (1988)
Omnibus Transportation Employee's Testing Act of 1991
Department of Transportation Regulations
Jackson Township Employee Handbook