

BOROUGH OF BRADLEY BEACH

RESOLUTION 2022-51

**ADOPTING A DRUG AND ALCOHOL POLICY FOR THE PERSONNEL POLICY
AND INCORPORATED HANDBOOK**

WHEREAS, the Borough of Bradley Beach is in need of certain updates to the Borough of Bradley Beach Policies and Procedures Manual and Employee Handbook; and

WHEREAS, in light of recent changes to the law pertaining to the use of marijuana in the State of New Jersey, The Borough of Bradley Beach wishes to adopt a Drug and Alcohol Policy consistent with the laws of the State of New Jersey, as well as Title 49 CFR Part 40 Regulations of the US Department of Transportation (NJDOT) Procedures for Transportation in the Workplace Drug and Alcohol Testing Programs and Urine Specimen Collection Guidelines; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey that the Mayor and Council hereby adopts the following Drug and Alcohol Policy to be included in the Borough's Policies and Procedures Manual and Employee Handbook as follows:

Drugs and Alcohol Policy:

The Borough of Bradley Beach recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a Supervisor or Department Head or any other eligible personnel (Law Enforcement Officer, etc.) to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline, up to and including termination. The Supervisor or Department Head or other eligible personnel will immediately report any reasonable suspicions to the Borough Administrator.

An Employee will be required to submit to alcohol, drug and/or controlled substance testing when the Employee's work performance causes a reasonable suspicion that the Employee is impaired due to current intoxication, drug and/or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug and/or controlled dangerous substance free following treatment. Refusal to submit to testing when requested shall result in immediate disciplinary action, including termination. Supervisors or Department Heads or other eligible personnel that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession and use of alcohol or unlawful drugs on the Borough of Bradley Beach premises or during work hours by employees is strictly prohibited.

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

Employees who are required to obtain and maintain a Commercial Driver’s License (CDL) are subject to random drug and alcohol testing under Title 49 CFR Part 40 Regulations of the US Department of Transportation (NJDOT) Procedures for Transportation Workplace Drugs and Alcohol Testing Programs and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance and must follow proper law. Commercial Driver’s License Policy was adopted by Borough Resolution 2022-____.

Employees using prescription drugs that may affect job performance or safety must notify their Supervisor or Department Head who is required to maintain the confidentiality of any information regarding an Employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. The Borough of Bradley Beach personnel who hold a Commercial Driver’s License (CDL) are subject to the provisions of the Commercial Driver’s Licenses Drug and Alcohol Testing Policy, as adopted by Borough Resolution 2022-____. A program to assist employees who may have a drug/alcohol problem is provided through the Borough of Bradley Beach Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over the counter) drugs should only be used only as prescribes or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on the Borough’s property and/or while performing Borough business or operating vehicles. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

Seconded by Councilman Sexsmith and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Fox	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the January 25, 2022 Council Business Meeting.

Erica Kostyz

Erica Kostyz, RMC, CMC
Municipal Clerk