

RESOLUTION

WHEREAS, the Township of West Orange (the "Township") seeks to implement a safety drug and alcohol policy for safety sensitive employees in transit and transportation (the "Policy"), a copy of which is annexed hereto as Attachment "A"; and

WHEREAS, safety sensitive employees are those Township employees who perform any of the following functions: (1) operating a revenue service vehicle, including when not in revenue service; (2) operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (3) controlling dispatch or movement of a revenue service vehicle; (4) maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service; and (5) carrying a firearm for security purposes; and

WHEREAS, the Township wishes to comply with the laws, rules and regulations regarding safety sensitive employees promulgated by Federal Agencies with the authority to do so, namely, the Department of Transportation (Federal Transit Administration) ("FTA"), and the Federal Motor Carrier Safety Administration ("FMCSA"); and

WHEREAS, the Township is committed to providing a safe and efficient working environment; and

WHEREAS, that commitment is jeopardized by drug and alcohol use, which adversely affects productivity and impairs judgment; and

WHEREAS, unimpaired judgment is critical for safety sensitive employees, as their decisions affect not only the Township's own operations, but also the safety of its employees, residents, and third parties; and

WHEREAS, pursuant to the Policy, participation in drug and alcohol testing program is a requirement of each safety sensitive employee, and therefore, a condition of employment.

NOW, BE IT HEREBY RESOLVED that in an effort to comply with laws, rules and regulations promulgated by Federal Agencies with the authority to do so, as well as to protect affected employees performing work in safety sensitive positions, the Township Council of the Township of West Orange hereby adopts the Policy on December 9, 2014, thereby establishing programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or prohibited drugs used by safety sensitive employees as defined in Department of Transportation 49 CFR Part 40, Part 655 and 382; and

BE IT FURTHER RESOLVED that the Township employees who perform safety sensitive functions, or supervise personnel in safety sensitive transportation functions, shall be subject to policies and procedures in accordance with Department of Transportation 49 CFR Part 40 – Procedures for Transportation Workplace Drug Testing Programs, 49 CFR Part 655 – Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, and 49 CFR Part 382 – Controlled Substances and Alcohol Use and Testing for FMCSA safety sensitive employees; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Orange does hereby endorse the Omnibus Transportation Employee Testing Act of 1991 and the rules mandated by the DOT, FTA, and FMCSA.

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: December 9, 2014