

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 053 – 2020**

**RESOLUTION AMENDING THE POST-ACCIDENT DRUG AND ALCOHOL POLICY  
OF THE EMPLOYEE HANDBOOK VERSION 5.0**

**WHEREAS**, it is the policy of the Township of Byram to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act and the Open Public Meeting Act; and

**WHEREAS**, the Byram Township Council previously determined that there was a need for an Employee Handbook to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

**WHEREAS**, the Byram Township Council adopted the current version of the Byram Township Employee Handbook Version 5.0 on September 17, 2019; and

**WHEREAS**, the Township wishes to adopt an amendment to the Post-Accident Drug and Alcohol Policy which presently exists in the Byram Township Employee Handbook; and

**WHEREAS**, the following changes shall be made:

**Section I - Employees Rights and Obligations**

**Drug and Alcohol Policy:**

C. Post-Accident Alcohol and Drug Testing - delete the following:

*All employees must submit to alcohol and/or drug testing when an employee is involved in an on-the-job accident where personal injury or damage to Township property occurs. The Township will cover the cost of post-accident drug and/or alcohol testing.*

and replace with:

Following an accident involving a township vehicle, the driver shall submit to post-accident alcohol and drug testing if:

- The accident involved a fatality; or
- The driver receives a citation under state or local law for a moving violation arising from an accident that involved:
  1. Injury requiring medical treatment away from the scene; or
  2. One or more vehicles having to be towed from the scene

The Township will cover the cost of post-accident drug and/or alcohol testing.

**Section Six - Drug and Alcohol Policy for Employees Required to Possess a Commercial Driver's License**

IV. Required Testing; B. Post-Accident Testing - delete the following:

*As soon as practicable following an accident involving a commercial motor vehicle, the driver shall submit to post-accident alcohol and drug testing. The driver must submit to post-accident alcohol and drug testing if the accident involved a fatality or if the driver received a citation under State or local law for a moving traffic violation arising from the accident.*

*The Township, pursuant to its independent authority, will require a driver to submit to post-accident alcohol and drug testing if the accident results in personal injury or property damage including damage to Township property.*

and replace with:

As soon as practicable following an accident involving a commercial vehicle, the driver shall submit to post-accident alcohol and drug testing if:

- The accident involved a fatality; or
- The driver receives a citation under state or local law for a moving violation arising from an accident that involved:
  3. Injury requiring medical treatment away from the scene; or
  4. One or more vehicles having to be towed from the scene

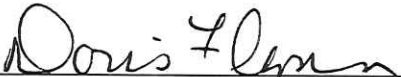
Now, therefore, be it resolved, as follows:

1. The Township hereby adopts an amended Post-Accident Drug and Alcohol Policy.
2. The amended version of the Post-Accident Drug and Alcohol Policy will be incorporated into a future version of the Byram Township Employee Handbook.
3. The Township shall provide a copy of this Resolution to all employees and volunteers for its implementation.

**BYRAM TOWNSHIP COUNCIL**

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion	X				
2nd				X	
Yes	X	X	X	X	X
No					
Abstain					
Absent					

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township of Byram, Mayor and Council at a meeting held on March 17, 2020.

  
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 Doris Flynn, Township Clerk