

ASSEMBLY, No. 662

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman BAGGER

1 AN ACT concerning drug testing of school bus drivers and
2 supplementing chapter 39 of Title 18A of the New Jersey Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Every board of education or contractor which employs school
8 bus drivers within the State may test its school bus drivers for usage
9 of controlled dangerous substances as defined in the "New Jersey
10 Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1
11 et seq.) and in chapters 35 or 36 of Title 2C of the New Jersey
12 Statutes:

13 a. prior to employment;

14 b. upon reasonable suspicion that an employee is using or has used
15 a controlled dangerous substance. There is created a rebuttable
16 presumption that the employer had reasonable suspicion to test for
17 controlled dangerous substances if the specimen provided by the
18 employee tested positive in a confirmed test;

19 c. on a random basis during the course of employment based upon
20 neutral selection criteria. For the purposes of this subsection the term
21 "neutral selection criteria" shall mean criteria for selecting employees
22 for tests that (1) results in an equal probability that any employee from
23 a group of employees subject to the mechanism will be selected and
24 (2) does not give an employer discretion to waive the selection of any
25 employee selected under the criteria.

26 The collection of specimens under this act shall be performed
27 during or immediately after the regular work period for current
28 employees.

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30 2. A refusal to submit to a test or a positive confirmed test for
31 controlled dangerous substances under this act may serve as the basis
32 for a refusal to hire a prospective employee or the discharge of a
33 current employee unless the employee was using the substance
34 pursuant to a valid prescription or order form.

1 on any school bus driver if there exists a reasonable suspicion that the
2 driver is using or had used drugs.

3 The random tests must use "neutral selection criteria" so as to be
4 fair to all employees. The refusal to submit to the test or a positive
5 confirmed test result may serve as the basis for the refusal to hire or
6 subject the employee to discharge.

7 The bill provides for all information and test results to be
8 confidential and grants immunity to employers against civil damages
9 resulting from the drug testing program required under this act except
10 for damages resulting from a breach of confidentiality.

11 The Department of Education, in conjunction with the Attorney
12 General is directed to promulgate procedures governing the collection
13 of specimens and testing.

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Authorizes drug testing for school bus drivers.

WITHDRAWN