

A Normative Analysis of Police Drug Abuse Testing Policy:  
Police Perceptions and Policy Reform Strategies

Rafael Rojas, Jr.

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by

Rafael Rojas, Jr.

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Lenneal J. Henderson, Ph.D., Chair of Committee

---

C. Alan Lyles, Sc.D.

---

Benjamin S. Wright, Ph.D.

School of Public Affairs  
University of Baltimore  
Baltimore, Maryland  
November, 2010

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## ABSTRACT

The purpose of this study is to examine the perceptions of police officers of the fairness of drug abuse testing and to derive meaning of these perceptions for the management of ethics in a large law enforcement agency.

This study critically examines not only the nature and extent of the problem of police drug abuse but how police perceive the efficacy of drug abuse testing as a policy enforcement strategy. The goal of this study is to see how police departments and police officers reconcile drug testing strategy as an internal enforcement strategy with external reassurances to the public that police performance can be trusted and supported. The objectives of the study are to determine whether the drug abuse testing policy is fair, whether the police perception and issues of compliance are due to the lack of understanding the nature for the drug abuse testing policy, and whether any lack of participation in the design and implementation process could result from a lack of sense of belonging in the police organization. In examining these dynamics, the central question and subsidiary questions are identified. The central question guiding the study is: what are the perceptions of police officers of the fairness of a mandated drug abuse testing policy? The subsidiary question is: what is

the impact of these perceptions on the officers' sense of belonging in the police organization?

Police departments across the United States have implemented drug abuse testing programs to eliminate illegal drug abuse but little is known about police officers' perceptions of the fairness of these programs. The efficacy of drug abuse testing programs has been influenced by the police officers' perceptions since 1986 when President Ronald Reagan signed Executive Order 12564, Drug Free Federal Workplace. The Order specifically condemns the use of illegal drugs both on and off the job. For this study, the Port Authority Police of New York and New Jersey is the case study. As an interstate compact approved by the Congress of the United States, the Port Authority serves an interstate metropolitan area including New York and New Jersey. Thus, a federal executive order has particular relevance to this type of law enforcement agency.

The methodology of this study focuses on a sampling frame resulting in a sample of 150 Port Authority police officers. Through volunteered participation of these officers in a survey and a narrative interview of the police administrator in charge of executing the drug abuse testing policy, data is generated on what officers know about the policy, how they perceived it and

how their perceptions relate to their identity with the Port Authority as a law enforcement agency.

The literature review in this study identifies eight perceptions of fairness predictor items addressing the central and subsidiary research questions. The results indicate that the perceptions of fairness predictor items identifies the perceptions of police officers regarding the fairness of the mandated drug abuse testing policy and indicate the importance of having a sense of belonging in the police organization and participation in the design. Consequently, these perceptions have an impact on the efficacy of implementing a fair drug abuse testing policy in the Port Authority Police.

These predictor items strongly suggest that police officers agree that the drug abuse testing policy is fair in reducing drug abuse, on the importance of participating in the design and implementation of the drug abuse testing policy, and on the importance of having a sense of belonging in the police organization. These officers also agree on the importance of being familiar with personal/situational job factors crystallized awareness of the drug abuse testing policy in the workplace, agree on the importance of having a clear, fully understood, and well-disseminated drug abuse testing policy, and on the

importance of being aware of the existence of the drug abuse testing policy in the workplace.

The narrative interview of the police administrator confirms the police officers' responses in this study by indicating that the overall response from police officers being tested is positive. This response assures the Port Authority Police to feel comfortable with the existing drug abuse testing policy. This integration and generalized findings across variables in this study on police officers' perceptions of the drug abuse testing policy coincides with the researcher's goal. The results of this study provide police administrators with additional insights as they seek to modify and implement fair drug abuse testing policies. It also serves as a basis for future studies to examine this generally unexamined area and to critically examine the vital significance of police perceptions towards drug abuse testing policies.

Additional research seems needed on police perceptions to drug abuse testing policies, as the study is limited and appears to be a deficiency in the literature. A recommendation for additional research is warranted to compare this study to larger police population sample and varied law enforcement agencies, as the Port Authority Police of New York and New Jersey is a unique police department. In addition, research seems to be needed in

other public service agencies, as they are affected by state and federal mandates of drug abuse testing policies.

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## Introduction

### A. The Problem Statement

This study critically examines the perceptions of police officers of the fairness and efficacy of police drug testing policy and procedures. The study examines how drug abuse testing among police is conducted, how it is perceived by police officers, and how those perceptions influence the attitudes and perceptions of these officers towards their jobs, the workplace, and their supervisors.

The war on drugs is a war that has affected U.S. society at large, as well as police forces at all levels of government in the United States. For years, drug abuse has been addressed as a serious national problem. The problem of drugs in society breaks down into several interrelated components: drug production (both overseas and in the U.S.), drug distribution, drug abuse or consumption and violence, and financial criminality associated with drugs is pervasive in all kinds of U.S. communities, both urban and rural. The availability of drugs is rampant and uncontrolled. The police are charged with controlling and fighting the war on drugs and thereby, enforcing anti-drug policies. But, as a result, the police have not been immune to the pervasive influence of illegal drugs. Many have experimented with illegal drugs while growing up and are now

police officers. And, it comes to no surprise that the police have been detected and even prosecuted for abusing drugs. Policing is a difficult job that produces stress and trauma and some police officers have resulted to abusing illegal drugs as a form of coping with these stresses.

Illegal or controlled substances have a major impact on police officers' official responsibilities and decision making indeed, their overall performance as officers. These responsibilities and decisions can mean the difference between making a life and death situation decision, misguiding the public in times of need, or eroding the trust in the relationship long established between the public and the police. Drug abuse is a problem that impacts all hierarchical levels and categorical units of the police. Police departments at many levels of government face this problem; this is no longer an isolated problem. In other words, this is an existing national police problem, not just at the state or local level of police administration.

What can be done to minimize, if not eradicate, this problem is a major challenge facing police administrators throughout the nation in an effort to eliminate illegal drug abuse use by police officers. Consequently, on September 15, 1986, President Ronald Reagan signed Executive Order 12564

mandating federal employers serving the public in sensitive occupations and private sector contractors also serving the public, to eradicate illegal drug use in the workplace (Appendix A).

Given the status of the Port Authority of New York and New Jersey as an interstate compact approved by the Congress of the United States and, given the interstate nature of this issue of potential police abuse of illegal drugs, a national Executive Order is both imperative and significant. The Port Authority of New York and New Jersey is a bi-state public agency created in 1921 by a compact between New York and New Jersey and approved by the United States Congress (Appendix E). The agency is the oldest, largest, and busiest specialized regional governmental agency in the United States. It exercises control of transportation areas in sea, land, and air in the best interest of both states (Doig 2001). The police department, the Port Authority Police of New York and New Jersey (Port Authority Police) was created at the same time to police the jurisdiction surrounding a twenty-five mile radius from the Statue of Liberty. This encompasses 800 miles of waterfront, the five counties of New York City, nine counties in New Jersey, and three suburban counties in New York State (Appendix F) (Doig 2001). The Port Authority Police are responsible for policing the following

transportation facilities: John F. Kennedy International Airport, Newark Liberty International Airport, LaGuardia Airport, Teterboro Airport, George Washington Bridge, Bayonne Bridge, Outerbridge Crossings, Goethals Bridge, Lincoln Tunnel, Holland Tunnel, PATH (Port Authority Trans-Hudson) Train System, Port Newark, Port Elizabeth, New York City Passenger Ship Terminal, Brooklyn Peers, Howland Hook Terminal, Port Authority Bus Terminal (Midtown Manhattan), Port Authority Bus Terminal (Washington Heights), and the late World Trade Center (Appendix G). The Port Authority Police has 1397 police officers with bi-state (New York and New Jersey) police jurisdiction who are trained in policing and crossed trained in aircraft fire fighting. Their responsibilities are to protect life and property, interact, and assist millions of people every year utilizing these facilities.

Police departments such as the Port Authority Police began to implement drug abuse testing polices to prevent and eliminate the use of illegal drugs by police officers (Appendix D1). Prior to the federal and state mandates, most of the drug abuse programs were found in the private sector. These drug abuse programs were incorporated with alcohol abuse and fell under Employee Assistance Programs (EAP). Drug abuse violations were "commonly dealt with in-company rules than with collective

bargaining agreement" such as the General Rules and Regulations for all Port Authority Employees (Appendix H) (Levin and Denenberg 1976, 100). The U.S. military was the first to enact drug abuse testing in the early 1970s. Many soldiers returning from the Vietnam War experienced drug abuse in combat and became addicted to drugs. In 1971, President Richard Nixon directed the military to identify service members returning from Vietnam for rehabilitation (Baker 1972).

Police officers were experiencing the impact of drug abuse testing policies and many believed that these policies were forced on them without sensitive and viable alternatives. The unclear, misunderstood, and poorly disseminated drug abuse testing policies, the lack of alternative methods in drug abuse testing, the failure in modification, updating, or putting in place fair and viable drug abuse testing policies, led to perceptions about the nature of drug abuse testing policies. Perceptions were also developed by the quality of the drug abuse testing policies and the processes utilized in testing for illegal drug testing. This is the core for the central research question for this study, what are the perceptions of police officers regarding the fairness of a mandated drug abuse testing policy? And, a subsidiary question, what is the impact of these

perceptions on the officers' sense of belonging in the police organization?

#### B. Research Questions

This study examines the phenomenon of perceptions of police officers regarding the fairness of a mandated drug abuse testing policy. Implementing a drug abuse testing policy with the results of this study would lead to favorable perceptions in a fair drug abuse testing policy. The central research question raised in this study: what are the perceptions of police officers regarding the fairness of a mandated drug abuse testing policy? And, a subsidiary question, what is the impact of these perceptions on the officers' sense of belonging in the police organization? In addition, the following subsidiary questions also flow from the central research question and are converted into questions for the sample of police officers in the study responding to the survey: Do you believe the Port Authority Police drug abuse testing policy is fair in potentially reducing drug abuse? Do you believe it is important for police officers to participate in the design and implementation of the drug abuse testing policy? Do you believe it is important to have a sense of belonging to the police organization? Do you believe it is important to have a clear drug abuse testing policy? Do you believe it is important to have a fully understood drug abuse

testing policy? Do you believe it is important to have a well disseminated drug abuse testing policy? Do you believe it is important to be familiar with a personal/situational job factors crystallized awareness of the police drug abuse policy? And, do you believe it is important to be aware of the existence of the drug abuse testing policy in the workplace?

Answers to these questions by police officers addresses police officers' perceptions regarding fairness of a mandated drug abuse testing policy at the Port Authority Police. These questions seek to examine how the process is utilized to execute the policy by carefully examining the responses from the police sample.

#### C. Research Problem

Police departments across the United States have implemented drug abuse testing programs to eliminate illegal drug abuse but little is known about police officers' perceptions of the fairness of these programs. Drug abuse testing programs have led to police officers' perceptions since 1986, when President Ronald W. Reagan signed Executive Order 12564, Drug Free Federal Workplace (Appendix A). The Order specifically condemns the use of illegal drugs both on and off the job. It deals with both procedural due process and the reasonableness of drug abuse testing programs that test law enforcement personnel out of

concerns for public safety and employee integrity, as well as "government interest such as public safety, employee safety, national security, public confidence in the integrity of government agency, the ability of the employees to discharge their duties, and efficiency in the workplace" (Adams 1987, 1359).

Executive Order 12564 specifically applied to the federal government; however states examined the mandate and began procedural initiatives to implement illegal drug abuse testing policies. The mandate had a major influence by its content and strategies for states to begin addressing illegal drug abuse in the public workplace. For example, in October 22, 1986, five weeks after President Ronald Reagan signed the Executive Order; New Jersey's Attorney General W. Cary Edwards sent a drug abuse testing policy to all law enforcement agencies' administrators regarding the new guidelines for drug abuse testing, The Law Enforcement Drug Screening Guidelines and Drug Abuse Testing Policy (Appendix C). The guidelines ordered the need to "maintain a drug-free law enforcement community and at the same time safeguard the rights of individual police officers" (Appendix C, 1).

In 1989, the first case to test drug abuse testing was the National Treasury Employees Union v. Raab; the US Supreme Court

concluded that preventing the entry and promotion of drug abusers to sensitive positions outweighed the privacy interests in view of the physical and ethical demands related to the position. And, again in 1989, the second case to test drug abuse testing was *Skinner v. Railway Labor Executives Association*; the US Supreme Court concluded that the need to regulate the conduct of employees for safety purpose was far greater than the need for individual privacy. In 1988, the New York State Court of Appeals ruled in the case of *Caruso v. Ward* that random drug abuse testing was Constitutional and police officers, because of the nature of their position, have a reduced expectation of privacy. This study considers President Ronald Reagan Executive Order 12564 (Appendix A), New Jersey State mandate (Appendix C), the Port Authority Police Reasonable Suspicion Drug Testing Policy (Appendix D), the Port Authority Police Reasonable Suspicion Drug Testing Policy (Appendix D1), the Port Authority Police Drug Abuse Testing Policy and Procedure (Appendix D2), and consequent to the perceptions' results from the examination of both the narrative interview and survey research approaches.

#### D. Theoretical Perspectives

In addressing the central research question, what are the perceptions of police officers regarding the fairness of a mandated drug abuse testing policy? And, a subsidiary question, what is the impact of these perceptions on the officers' sense of belonging in the police organization? the following literature addresses a number of areas tackling the fairness of a drug abuse testing policy implementation.

According to Argyris in 1970, Human Resource Theory or organizational behavior perspective "openly and honestly places a high value on individuals or supervisors in providing employees with vast amount of accurate information so they can make informed decisions with free will" (Shafritz et al. 2005, 145). The theory "focuses on people, groups, and the relationships among them and the organizational environment" (Shafritz et al. 2005, 145). Comparatively, this study relates to the normative relationship among police officers and the environmental organization, the Port Authority Police, and what leads to police officers' perceptions of fairness of a mandated drug abuse testing policy

The Port Authority Police hires and offer qualified employees with a job that offers "opportunities for autonomy, influence, and intrinsic rewards" and gives them the "opportunity

to influence decisions about their work and working conditions” (Bolman and Deal 2003, 144-145). Every police applicant goes through a series of exam phases, attends the police academy, and successfully completes a probationary period before becoming a permanent police officer, with the opportunity of retiring after twenty years of police service. The Port Authority Police Department offers attractive salaries and benefits. The salaries are the highest for policing in the New York City metropolitan area. Benefits include free health care (medical, dental, and vision), free pension, free parking at its airports, free tolls at its tunnels and bridges, access to the late Port Authority Cafeteria (World Trade Center), and there is no residence requirements in any state for all employed personnel. In addition, employees receive gift bonuses after every fifth year anniversary and for submitting work-related suggestions that reduce cost and improve working conditions. Police officers are eligible to upgrade their police skills through in-service-training and take promotional exams after two years of service to higher ranks. In the past, the Port Authority Police experimented in employee participation programs such as Employee Involvement Teams (EIT) for police officers’ inputs in examining and recommending new ideas or programs in the police department. Also, as police officers, state mandated re-certification

training is conducted throughout the year for firearms qualifications and First-Aid/Cardio Pulmonary Resuscitation (CPR). In organizational and employee relationships, "participation improves productivity through two mechanism: increasing the effectiveness of individual workers and enhancing organizational learning" (Bolman and Deal, 2003, 146). In policing, this encourages enhancing their skills, provide performance incentives, allow to foster trust and loyalty among both the organization and the employee, learn from veteran employees who have more experience, and reduces mistakes or errors by new employees who are unfamiliar with the organization (Bolman and Deal 2003).

Port Authority police officers have a union, the Port Authority Police Benevolent Association (PBA) which represents dues paying members in times of conflict or violations of contractual agreement with the Port Authority Police. All police officers have an opportunity to join the union after their one-year probationary period ends. The union has union delegates at all Port Authority facilities that immediately can represent police officers in times of distress with supervisors and/or who have been accused of wrong-doing relative to behavioral patterns that may have violated their negotiated collective bargaining agreement. Although, the Port Authority Police receive excellent

salaries and benefit packages, the organization must find ways to bond well with employees, it is ultimately the employee who must find satisfaction in a sense of belonging to the police organization for the Port Authority Police to benefit from their effective use of their talent and energy, otherwise police officers will resist or rebel against the organization (Bolman and Deal 2003).

This study examines police officers' perceptions fairness of a mandated drug abuse testing policy. The contention is that the Port Authority Police, under a mandate developed a drug abuse policy and failed to seek cooperation from individual police officers. The drug abuse testing policy is executed randomly on police officers by being ordered to take a urinalysis drug abuse test or face termination of employment. Although, police officers understand the concepts of "direct orders" and following them, ordering to take random drug abuse tests, have different connotations. Random urinalysis drug abuse testing contains a number of negative perceptions that have implication on off-duty and on-duty activities. Police officers feel their privacy is violated, there is lack self-respect, and their lack of trust has been attacked by the Port Authority Police. As a result, police officers begin to think of their Constitutional Rights being violated and begin "to act in a way which is not going to benefit

the organization where they are engaged" (Follett 1942, 57). If police officers are to be "treated as a menial, oblige to be under someone, and are to follow orders without using their judgment," then their pride in their work suffers, as well as their behavioral patterns, which becomes affected, not only in the police organization, but also in the community they work (Follett 1942, 63). There are a number of incidents in which police officers respond to frustration within the organization. These develop frustrations lead to withdrawals through absenteeism, psychologically disturbed, resistance to changes, wanting to move up the hierarchy, and allying with unions (Argyris 1962).

Similarly, McGregor Theory X indicate that police officers in para-military organizations, as police departments, must be "coerced, controlled, directed, and threatened with punishment to get them to put forth adequate effort toward the achievement of organizational objectives" (McGregor 1960, 34). Management is conducted through direct orders that must be followed without questioning. Failure to obey direct orders will subject the individual to consequences such as suspension or even termination from employment. This typical para-military organizational structure and hard or strong managerial policy practices reflect the assumptions that "employees' behavior must be modified from

being passive and resistant to that of direct orders which must be exercised to meet organizational needs" (McGregor 1960, 34). This hard line approach has consequences of "resistant, antagonistic, and uncooperative," a lack of responsibility, lack of output in job performance, unreasonable demands, and sabotage management objectives (McGregor 1960, 38). "Administrative competence of an organization is composed of intellectual, rational, technical competence and interpersonal competence" (Argyris 1962, 16). Managers' effectiveness is affected by their controlling, competitiveness, personal feelings, failure to listen to others, and failing to notice their own impact. They utilize a self-protective style of interpersonal behavior, when dealing with threatening or uncomfortable issues. An alternative to this pattern of behavior with shared goals that are possible is that managers and employees learn from each other, communicate openly, and learn from each other's ideas (Argyris and Schon 1996). Police managers' consideration of these alternatives on police officers can lead to lower grievances and less absenteeism. "Employee-centered" managers are more successful in the long run than "task-oriented managers" (Likert 1961, 190). On the other hand, groups, as police, can over respond to pressure by supervisors or let personal agendas, such as

generated perceptions by the drug abuse testing policy, overwhelm their purpose (Maier 1967).

Groups, as police officers, like to solve problems, make decisions, coordinate work, promote information sharing, build participation and commitment, and negotiate disputes (Handy 1993). Police officers are individuals who like their line of work; they "exercise self-direction and self control in the service of objective to which they are committed. Commitment to objectives is a function of the rewards associated with their achievement" satisfying their self-esteem and self-actualization, seek responsibilities, creative and innovative at all times, and utilizing their intellectual potential, as defined by McGregor's Theory Y. (McGregor 1960, 47-48). In contrast, the Port Authority Police had no confidence in the capacity of their police officers and was not directed toward organizational goals as Handy and McGregor concluded in maintaining a drug free police department, other than abiding by the mandate. The Port Authority Police failed to recognize that successful managerial decisions are dependent on police officers' contributions and abilities to understand a clear and well disseminated drug abuse policy. This strategy would have resulted in managerial effectiveness and individual police officers' satisfaction with the drug abuse testing policy.

As in the theory of motivation, self-respect is "soundly based upon real capacity, achievement, and respect from others" (p.383) leading to the "feeling of self confidence, worth, strength, capability and adequacy of being useful and necessary" (p.382), as in a sense of belonging to the police organization (Maslow 1943). In other words, police officers' responses depend upon the nature and significance to the same principle effects of those identified by the Hawthorne Experiments to the drug abuse testing policy (Roethlisberger 1941). The changing environment of the Hawthorne Experiments produces a different level of motivation and responses to changes made in their work setting. As for changes in the police environment such as the lack of participation in the design and implementation of the drug abuse testing policy, police officers develop perceptions toward the drug abuse testing policy.

The giving orders and the receiving of orders "should be circular, not linear behavior" (Follett 1942, 66). Police officers feel that "to demand an unquestioning obedience to orders not approved, not perhaps understood, is bad business policy" since the drug abuse testing policy was not clear, understood, and was not well disseminated (Follett 1942, 51). The lack of participation in the design and implementation of the drug abuse testing policy leads to police officers' perceptions

of fairness of a mandated drug abuse testing policy. The researcher believes that "organizations influences human behavior just as behavior shapes organizations" (Shafritz et al. 2005, 146). The intent of this study is to examine what leads to police officers' perceptions regarding the drug abuse testing policy and produce a policy reform strategy for future development or modification of drug abuse testing policies.

According to the New Public Management principles, the Port Authority Police produced an "innovative way to accomplish public or collective purpose," for example, drug abuse testing in policing (Frederickson and Smith 2003, 114). As a result of the national highlight drug problem led by President Reagan in 1986, action needed to be taken to identify and eradicate drug abuse in the workplace. Accounts exist for institutions such as the Port Authority Police to build on changing their institutional behavior and to address the issue of drug abuse in the police (Wilson 1989 and March and Olsen 1989). For the Port Authority Police to function successfully in the community, a drug abuse testing policy was developed which affected police behavior and changed their norms, that would have provided a more reliable, productive, and professional police department (Wilson 1989).

Police institutions address the asymmetry between public problems such as drug abuse in policing and the public's interest

(Frederickson and Smith 2003). They also address core ideas about performance results, outcomes, and purposefulness which bind rules, roles, norms, and expectations which can constrain individual and group behavior (Powell and DiMaggio 1991). Police also rest on the patterns of politics, order, and shared meaning found in government (Frederick 1999). It is the basis of these patterns of politics that the Port Authority Police was mandated to develop a drug abuse testing policy giving a considerable weight to both normative and symbolic order (Frederick 1997).

The Port Authority Police drug abuse policy brought forth numerous police officers' perceptions of fairness of a mandated drug abuse testing policy which affected police officers during their on and off-duty activities. A goal in the management of police departments is for "formal and informal processes to guide human interaction toward public organizational objectives. These processes are based on a unit of analysis which interacts between managers and employees and the effects of management behavior on workers and work outcomes" (Frederick and Smith 2003, 98). The Port Authority Police should have obtained individual police officers' participation in the design and implementation for the drug abuse testing policy. Listening, testing ideas, and working as a group would have provided a better understanding in how the drug abuse policy was to be executed. "A major task of

governance is to gain support for policies," not as in the case with the Port Authority Police which failed to obtain support from their police officers when implemented the drug abuse testing policy (Krislov 1967, 4). The results of this study shows that there was a lack of interaction between individual police officers and police administrators to seek an appeasing stage and work together in the development of a drug abuse testing policy. The contention of the researcher is that a "void" or lack of cooperation existed between the Port Authority Police and individual police officers which struck a point in time (during the initial stages of the implementation of the drug abuse policy) that was not conducive to an agreement to all affected parties, leading to police officers' perceptions of fairness of the drug abuse testing policy. If the intention of the Port Authority Police was to develop a drug abuse policy, regardless of any type of participation in the design and implementation by police officers, then it did not matter what responses were from police officers toward the drug abuse testing policy. Perhaps, politics from the states (New York or New Jersey) or from an executive/administrative decision existed, to quickly develop the policy which explains the researcher's reasons for this study. There was a lack or a breakdown in communications between the Port Authority Police and police

officers for an acceptable or satisfactory drug abuse testing policy, in contrast to the conclusion that "every institution processes information so as to perceive and define problems and every institution decision maker chooses among the available options to address the problem," which was to seek police officers' participation in the design and implementation of the drug abuse testing policy (Hammond 1993, 143). It appears that the Port Authority Police, under a state mandate, exercised "greater influence over personnel activities heretofore considered nonnegotiable and retained within the unilateral prerogative" items, such as the drug abuse testing policy (Mosher 1982, 205).

Police occupations are based on scientific management as indicated in the Principles of Scientific Management (Taylor 1985). Entering police officers are evaluated by entrance exams, physical exams, psychological exams, interviews, criminal background checks, attending police academies, probationary periods, and appraisals of performance of individuals to determine whether they become permanent police officers. The Port Authority Police principles of management measures to the type of work, outcomes, selection of workers, placement of workers in desirable roles, division and sequencing of work to enhance productivity, and cooperation of workers to achieve

organizational goals (Taylor 1985). However, the Port Authority Police failed in one of the principles of management, to cooperate with individual police officers to achieve an organizational goal which was a drug abuse testing policy (Taylor 1985).

The relationship of trust between police officers and the police organization is exercised by moral standards. It is in the best interest of the community to have the worthiest police officer in public service, an individual in proportion to character, and capacity to qualify for policing (Eaton 1880). "High officials or administrators have long practice upon public service with the pretense of selecting good officers from among their acquaintances" (Eaton 1880, 224). This relationship produces reduced manipulations of any form of police corruption. The results are ambition and commitment to the profession and development of self-respect in promoting efficiency, something that is recognized by the Port Authority Police.

Authority is the willingness of others to accept or comply with instructions (Barnard 1968). In classical theory, authority, as in the Port Authority Police, flows down the hierarchy and feedback of communication flows up. For example, as in the Port Authority Police, "authority depends upon a cooperative personal attitude of individuals and without a system

of communications," devoted police officers, stop their interest because the "system is inadequate, contradictory, and communication is inept, so they do not know who is who, what is what, or have the sense of effective coordination" (Barnard 1938, 175). In essence, for an effective management of the drug abuse testing policy, the Port Authority Police should have taken into account the "dependence upon the distributive process in the cooperative system," which was very poor, to the extent of a mutual agreement of managements' policies and goals (Barnard 1938, 58). The research question for this study is to examine police officers' perceptions fairness of a mandated drug abuse testing policy, a contention that the Port Authority Police's drug abuse testing policy was forced on individual police officers. Port Authority Police failed to secure individual police officers cooperation through effective communication, failed to allow them to participate in the design and implementation of the drug abuse testing policy, and failed to demonstrate a concern for police officers (Barnard 1938).

Police organizations are highly bureaucratic practices in specialized jobs in which "individual officials are appointed and function according to a number of criteria" (Weber 1952, 21). These criteria, as in police jobs are "personally free and subject to authority only with respect to their impersonal

official obligations, organized in a clearly defined sphere of competence in the legal sense, the office is filled by a free contractual relationship, candidates are selected on a basis of technical qualifications, and tested by examination or guaranteed by diplomas certifying technical training, or both" (Weber 1952, 21-22). Rules and procedures are maintained in Port Authority Police Operations Manuals or Police Directive Instructions which is a characteristic of a bureaucracy (Weber 1952). The Port Authority Police exercises control of the organization by policies, rules, regulations, and oversight through a hierarchical rank chain of command structure. This chain of command structure began by differentiating between the front line Police Officer, Sergeant, Lieutenant, Captain, Deputy Inspector, Inspector, Assistant Chief of Police, Chief of Police, Deputy Superintendent of Public Safety, and Superintendent of Public Safety. The selection of police officers and promotion to higher ranks is based on merit, recommendations, appraisals, and qualifications. This type of bureaucracy is an ideal type construction of mechanistic, resist change, subject to official displacement, and trained technical incapacities (Weber 1952).

Groups such as police, develop shared goals and values, norms of behavior, customs, and traditions (Shaw 1981). Effective management in police must be in the context of the

group, the awareness of the "attractiveness of group success and the unattractiveness of group failure. This awareness leads group members to seek group success and try to avoid group failure, tendencies which are supported by forces both from within and without the group" supporting organizational goals (Shaw 1981, 359). Another contention is that ineffective management led to the development of the Port Authority Police drug abuse testing policy. The decision to develop the drug abuse testing policy is not the issue in this study but how the policy was implemented. It was the failure to convey to individual police officers that a drug abuse policy was mandated which led to perceptions by police officers about the policy. The functions of the executive are to "induce employees to cooperate or there is no cooperation" to achieve organizational goals, as it occurred in the Port Authority Police (Barnard 1938, 139).

The police role in the police organization is understood to be relative to the organization as a whole and relative to each other. According to role theory, police "roles exhibit persistent features of behavior" that apply to the internal parts of the organization, as well as, outside the organization (Frederickson and Smith 2003, 105-106). Police officers are on duty 24 hours a day. They are expected to perform in a role set

relative to the color of office, "the combination of written documents and a continuous organization of official functions," as well as in situations where police action may be necessary (Weber 1952, 20). This contextual set of relationship holds particular role expectations toward them by the public (Frederick and Smith 2003). Individuals in groups in a particular role set include internal roles such as police officers, while on duty and external roles while off duty such as community leaders, public safety observers, parents, family members, etc. to the best of their ability knowing what the public expect of them (Gross et al. 1958). However, role conflicts exist in policing such as fighting crime, combating the drug problems in their community, and coping with stressful situations that they themselves begin abusing drugs to cope with the heavy burden associated with police work.

The Port Authority Police should act as builders of relationships with police officers, something they failed to do, when the drug abuse policy was implemented. As administrators, they should have acted as first line supervisors seeking and disseminating information (Mintzberg 1993). Another contention of this study is that the drug abuse policy was not well disseminated to police officers who, as a result, led to police perceptions to the drug abuse testing policy.

Although, the drug abuse testing policy may have been well-intended, there was a communication breakdown by the Port Authority Police that led to perceptions by individual police officers. In policing most of the communication flows downward with minimum communication flowing upward. This communication emphasizes task directives, policy, and procedures. In organizations such as police, at times communication is often neglected because of low morale and preoccupation with routine tasks that tends to be overloaded with job details. Public managers tend to misjudge the power of communications through directive or as in policing, direct orders, while underestimating the power of direct communications (Garnett 1992). Effective communication was established through collective means that provided responses on performance which was contrary to communications given by Port Authority Police (Garnett 1992).

The principles of management of the Port Authority Police drug abuse policy can be best analyzed through managerial doctrines (Hood and Jackson 1991). These doctrines are "influential both in debating and carrying out" the drug abuse testing policy. First, "they are ubiquitous, found in every organization." Second, "they are constantly shifting "received view" or "received wisdom." Third, they "have to do more with metaphor, rhetoric, packaging, and presentation." Fourth, they

are "often contradictory." Fifth, "they are unstable." And, sixth, they tend to rotate, old ideas dressed in new clothes" (Hood and Jackson 1991, 17-19). These doctrines contain powerful rhetorical appeal, are ambiguous, and identified with the greater good that evidently required anyone to suspend disbelief. These doctrines are a "close theoretical approximation of reality" (Hood and Jackson 1991, 26-28). The Port Authority Police was mandated to develop a drug abuse testing policy and in developing this policy created a policy that was unclear, misunderstood, and was not well disseminated. It is the lack of clarity, misunderstanding, and ill disseminated that leads to perceptions by police officers. The purpose of public management is to facilitate change and manage in an orderly and reliable fashion (Frederickson and Smith 2003). This type of management style is called the New Public Management which is selective, has low efficiency, is unfair, has low equity, fails to reduce cost but results in newer creative ways of accomplishing goals (DiIulio et al. 1993). This relates to another contention about how the Port Authority Police responded to develop the drug abuse testing policy while maintaining their governmental efficiency but suffered the consequences of unfavorable perceptions by police officers during the implementation of the drug abuse testing policy.

As the Port Authority Police found itself in the midst of the mandate to develop a drug abuse testing policy, it quickly reached out to the Port Authority Police Benevolent Association (PBA), the police union, for input. The steadfast motion to quickly develop the drug abuse testing policy, the PBA found itself in a cornered position to participate immediately or be omitted from the entire process. The PBA, in their best interest of representativeness of the majority of police officers, joined the efforts of the Port Authority Police in the development of the drug abuse testing policy. Experiences in representing police officers charged with drug abuse at the time were minimal. The Port Authority of New York and New Jersey General Rules and Regulations for All Port Authority Employees (Appendix H), which included the police, were under a supervision of rules and regulations regarding behavior in the Port Authority of New York and New Jersey. These rules related to ethics, conduct, public relations, doing the job, reporting attendance and absence, safety and sanitary conditions, Port Authority property and its use, financial and legal matters, and disciplinary action. These General Rules and Regulations covered all areas of conduct applicable to employer/employee relationship. In addition, the Port Authority Police had Police Directive Instructions (PDI) in the Police Operations Manual applicable to all police officers.

These PDIs were the rules and regulations that the Port Authority Police utilized to maintain discipline and professionalism in the police. Accountability and discipline of police officers are based on the PDIs which pertain to any behavior inconsistent to police professionalism whether related to the occupation or the public. Sanctions given for violating PDI instructions are severe. Sanctions given for violations are oral reprimands, written reprimand, or job suspensions for one day to termination. Police instructions are added to the PDI every time new ones are developed or revised. The drug abuse testing policy for example is POI 2-20 (Police Officer Instruction), issued in 1996 (Appendix D). This particular POI expired in 2010 when both the Port Authority Police and the PBA are to renegotiate their collective bargaining agreement contract.

The deficiency of the literature specificity on police officers' perceptions fairness of a mandated drug abuse testing policy indicates there is a need for this study. The research problem needs to be critically examined to study both police officers' perceptions toward the drug abuse testing policy and generate viable policy alternatives to any critical issues in police perceptions toward drug abuse testing. This is essential to the performance of police throughout the United States. Fairness is an artifact of employee trust in both management and

the public. Any significant ruptures in trust, impairs performance. Consequently, the intention of this research is to carefully, systematically, and objectively examine police perceptions toward drug abuse testing policies and processes in order to both offer explanations for the perceptions and to make recommendations about police officers' perceptions of fairness of a drug abuse testing policy for police officers and police administrators. In addition, the study addresses the deficiency of a theoretical perspective about the phenomenon of police perceptions, so that a model of effective drug abuse testing policy may result.

The researcher, after retiring from the Port Authority Police of New York and New Jersey of twenty-years of service indicates that the police drug abuse testing policy implemented had significant issues of concern that impacted every police officer. The Port Authority Police of New York and New Jersey is the agency utilized to conduct this study. The drug abuse testing policy lacked individual police officers participation in the design and implementation, was unclear, misunderstood, and was poorly disseminated causing unfamiliarity in how the policy was to be executed. This created numerous perceptions by police officers regarding a favorable drug abuse testing policy. It is for this reason; the researcher places a major interest in this

study in examining what leads to police officers' perceptions fairness of a mandated drug abuse testing policy. Seeking a fairness perception to the drug abuse testing policy enables police officers and police administrators to work together in future drug abuse testing policy modification and implementation.

#### E. Purpose of the Study

The purpose of the study is to apply a mixed methods study strategy "to expand an understanding from one method to another, to converge, or confirm findings from different data sources" and increase explanations for police officers' perceptions fairness to drug abuse testing policies (Cresswell 2003, 210). This research study examines the phenomenon of police officers' perceptions fairness to a mandated drug abuse testing and develops a meaning for this phenomenon. The expectation of this study's results is to determine whether the drug abuse testing policy is fair. It is also the expectation of this study to determine whether the shared phenomenon is due to the lack of understanding the nature for the drug abuse testing policy and whether a lack of participation in the design and implementation process results from a lack of sense of belonging in the police organization. This normative pattern of behavior is demonstrated when working alone or with co-workers in the community.

It is the intention of this study to collect quantitative data through a survey instrument using a sample of 150 police officers from the Port Authority Police and narrative interview data collected through an interview from a police administrator charged with the execution of the drug abuse testing policy. The survey instrument addresses the relationship between demographic variables; gender, education, race, longevity, and dependent variables' questions about police perceptions regarding the perceived fairness in drug abuse testing. The qualitative approach includes an interview with the police administrator charged with the execution of the drug abuse testing policy and examining dependent relevant variables regarding the administrative history, functional, operational irregularities, knowledge of created perceptions, and unusual circumstances that lead to police officers' perceptions fairness to the drug abuse testing policy since its inception. The narrative interview approach is conducted utilizing open-ended and closed-ended questions. The intent of the combined methods is to relate the responses from the survey to the responses from the police administrator about the impact of the drug abuse testing policy on their organizational and professional communities. Combining these two approaches provide a good design for the research problem by triangulating and "seeking a convergence across both

methods" so as to focus in advancing program fairness of the police drug testing policy (Cresswell 2003, 15).

As a retired police officer, who was impacted by the drug abuse testing policy, the researcher, along with co-workers generated unfavorable perceptions fairness to the drug abuse testing policy, as a result of lack of participation in the design and implementation. The cruxes to these unfavorable perceptions were the lack of the Port Authority Police outreach to individual police officers for participation in the design and implementation of the drug abuse testing policy. This condition highly influences the perceptions in the implementation process. Overall, the intention of this study is to examine participants' perception fairness and generate an experiential theoretical perspective through the use of statistical analysis to determine the perception fairness to the drug abuse testing policy.

The theoretical perspective is about the experience of policy implementation. The policy implementation was influenced by the actions of President Reagan Executive Order 12564, a mandate for eradicating drug abuse in the workplace and New Jersey's Attorney General Mandate for a drug abuse testing policy to all police departments including the Port Authority Police. Societal conditions, the state of the war on drugs, and the growing problem in the United States led to police drug abuse

testing policy development. Port Authority Police in conjunction with the PBA worked together to develop a drug abuse testing policy (Appendix D). Police officers are the most impacted; however no direct participation in the design and implementation and evaluation is made. Professional identity, personal socialization, and longevity variables lead to police officers' perceptions fairness to the drug abuse testing policy. The perception fairness of the drug abuse testing policy is poor, as a result of the lack of participation in the design and implementation. The content, intent, and justification of the drug abuse testing policy are well understood from the Port Authority Police perspective. First, it derived from a federal and state mandate. And, second, the rise in drug crime, the failure in defeating the drug problem by the "war on drugs," and the mass media headlines on police officers involved in drug abuse led to perceptions that a drug abuse testing policy was needed. Procedurally, the drug abuse testing policy lead to police officers' perceptions because of the lack of participation in the design and implementation process.

Police officers perceptions are endemic to policing by the mere connection to the occupation. Police officers, as individuals, are held accountable to higher societal standards while on-duty or off-duty. They are impacted not only by state

statutes but by rules and regulations found in police manuals holding them accountable to professionalism and ethical behaviors. Civilians are held less accountable in contrast to the official capacities of police officers and therefore, similar perceptions are not endemic to their occupations.

The Port Authority Police of New York and New Jersey drug abuse testing policy was mandated by executive order. This is similar in nature to a top-down approach (Mazmanian and Sabatier 1989). Police administrators, in conjunction with the PBA, worked together to develop the drug abuse testing policy. Although, the police union only represented union member Port Authority police officers, police officers felt the lack of participation in the design and implementation placed them at a disadvantage in understanding the rationale behind the drug abuse testing policy and how the policy was to be executed. Non-union police officers had no input representation and were at the discretion of the Port Authority Police. The PBA felt that since police administrators were mandated to implement the drug abuse policy, the police union had no alternative but to cooperate with little time to confer with individual police officers.

Examining police officers' perceptions fairness to the drug abuse testing policy enables police officers and the police administrator in charge of executing the drug abuse testing

policy to work together in future modification and implementation of the drug abuse testing policy. A favorable drug abuse testing policy leads to high morale, informed, and confident police officers with a sense of belonging to the Port Authority Police.

#### F. Variables in the Study

The variables in the study comprise of independent, dependent, and intervening variables relevant to the study's objectives and research and subsidiary questions. The independent variable consists of the content of the Port Authority Police drug abuse testing policy. The drug abuse testing policy mirrors the State of New Jersey's Attorney General W. Cary Edwards mandate dated October 22, 1986 (Appendix C). The Port Authority Police drug abuse testing policy provides the conditions of behavior leading to investigations and/or consequences about illegal drug abuse according to the state's mandate. It also provides the guidelines for supervisors to detect signs, exercise discretion, and monitor the use of establishing reasonable suspicion, probable cause, for cause, and random drug testing. The dependent variables consist of police officers' fairness to the drug abuse testing policy from the theories found in the literature that relate to the research and subsidiary questions. These theories are examined through the police officers' survey responses. The intent of the dependent

variables is to relate the variables and compare them to the police officer sample in terms of an outcome (Cresswell 2003).

The intervening variables consist of open-ended and closed-ended questions narrative interview of the Port Authority Police Lieutenant charged with the execution of the drug abuse testing policy. These responses are merged and produce a solid cohesion between the independent and the dependent variable producing a well-rounded perspective on police officers' perceptions fairness of a mandated drug abuse testing policy.

#### G. Audience - Public Administration Significance

The ultimate audiences for this study are the community of public administration and law enforcement scholarship, research, and study. The implications of this research extend to all public sector employers and employees, particularly as they are affected by drug abuse testing policies and procedures and researchers interested in similar studies. Development, implementation, and modifications of police drug abuse testing policies are continuously occurring throughout the United States, as a result of court decisions rendered, and affecting drug abuse testing policies implemented and modified. These changes are necessary and needed to reflect the times and changing logistics of police departments in enforcing their drug abuse testing policies. Police drug abuse is a serious problem in policing

that needs to be addressed; it is a problem that affects police departments and the public. The criminal justice field recognizes this and is addressing it by developing drug abuse testing policies. There are policy makers, criminal justice organizations, future researchers, and other individuals in work related organizations that will benefit from this study (Cresswell 2003).

#### H. Summary

The war on drug has affected society at large, as well as police forces at all levels of government. Drug abuse in the United States is rampant and uncontrolled. Law enforcement officials are experiencing difficult problems in curtailing this behavior and winning the war on drugs. As a result, President Ronald Reagan signed an Executive Order in 1986 detailing a new era of drug abuse concerns. This Executive Order details the significance of eliminating drug abuse in the workplace in the federal government by those in sensitive positions responsible for public trust and confidence by the American people. Policing is an institution of public safety where the public seek for assistance every day. Drug abuse has been affecting society and is no surprise that police has also been affected. Police officers, as members of society may or have experimented with drug abuse in the past or present. In an attempt to address this

problem, police departments throughout the United States have been implementing drug abuse testing policies. However, these policies have inconsistencies as being unfair leaving police officers confused, ill informed, and with a lack of sense of belonging in police organizations because of lack of participation in the design and implementation of these policies.

#### I. Chapters' Summaries

The remainder of this research study consists of the following chapters:

- a. Chapter Two is the review of the literature that addresses police officers' perceptions fairness regarding drug abuse policies in other organizations. There is a deficiency in the literature that is specific on police drug abuse testing policy perception fairness about drug abuse testing.
- b. Chapter Three describes the mixed methods methodology used to examine what are the perceptions of police officers regarding fairness of a mandated drug abuse testing policy.
- c. Chapter Four provides the descriptive analytical and statistical results using the Statistical Package for Social Sciences (SPSS), the Analysis of Variance (ANOVA) addressing the research questions, and the narrative

interview from the Port Authority Police Administrator charged with executing the drug abuse testing policy.

- d. Chapter Five consist of the discussion of the study, issues regarding limitation of the data, implications, and recommendations for police officers, police administrators, and future researchers.

## Review of the Literature

### A. Introduction

This literature review examines how the literature describes, conceptualizes, and approaches the aspects of police officers' perceptions to drug abuse testing policies. Particularly important is how selected literature framed the range of inquiry that communicates the significance of studying the phenomenon. Literature on police officers' perceptions is essential in examining drug abuse testing strategy but there is a lack of information available. Focusing on findings, "an outcome-oriented review may help identify a lack of information on a particular research outcome, thus establishing a justifiable need for an outcome study" (Randolph 2009, 2). By summarizing and synthesizing the arguments and ideas of others, the focus is ascertained on how drug abuse testing polices are implemented and how they are carried out. The goal of this literature review is to integrate and generalize findings across variables on police officers' perceptions fairness to drug abuse testing policies (Randolph 2009). The independent, dependent, and intervening variables are influenced by the theories derived from this literature review. As indicated in Chapter Three, the author's perspectives are also revealed indicating preexisting biases that

affects the literature review. The coverage of the literature includes peer reviewed articles, official documents, and archival literature on police drug abuse testing policy. And, published books on policy implementation. The literature examined provides essential theoretical perspectives on existing drug abuse testing policies promoting the reality of the problem in drug abuse. It is the belief of the researcher that literature not chosen was not fundamental to the study. This approach demonstrate that representative samples found in the literature are actually representative. The organizational format of the literature review is "organized around the propositions in a research rationale or, in a theoretically-focused review, organized according to the various theories in the literature" (Randolph 2009, 4). The format for this literature review is based on themes relative to the drug abuse testing policy implementation theoretical framework. This introduction "introduces the topic, provides a brief overview, and then states the research problem and sometimes the hypotheses" (Cone and Foster 1993, 83). The objectives of these themes are to ascertain a variation of authors' results in implementation of drug abuse testing policies. And, syntheses that integrate and summarize broad themes in the literature and specify unexplored topics worthy of future study. The key audience for the study is the community of

public administration, law enforcement scholarship, research, and study.

The literature collection is obtained from official government documents, archival documents from the Port Authority Police and the PBA, peer reviewed articles, and books on policy implementation. President Reagan's Executive Order 12564 (Appendix A) and New Jersey State Attorney General's Police Drug Abuse Policy (Appendix C) are obtained from the author's previous thesis for a Master in Public Administration (Rojas 1998). The Port Authority Police Reasonable Suspicion Drug Testing Policy Directive (Appendix D), the Drug Abuse Testing Policy and Procedures (Appendices D1 and D2), and the General Rules and Regulations for All Port Authority Employees (Appendix H) are obtained from when the researcher was a Port Authority Police Officer. Peer reviewed article collections are conducted through the use of electronic search of academic databases such as ABI/Inform, PAIS, Business Source Premier, Academic Source Premier, and JSTOR from 1990-2009, data evaluation is "determined by the focus and goals of the review" (Randolph 2009, 7), analysis and interpretation is based on "making sense of the extracted data" (Randolph 2009, 8), and public presentation is determined by the reviewer as to "which information is more important that could be presented" (Randolph 2009 , 8).

Implementation policy books selected were obtained from the University of Baltimore PUAD 814 Program Implementation course. This literature provides a "useful backdrop for the problem that leads to the need for the study, such as who wrote about it, who studied it, and who indicated the importance of studying the issue" (Cresswell 2003, 30).

The criterion used for the selection of the literature review is to search for the most completed and relevant to the researcher's topic. Literature inclusion also includes studies that "report means and standard of deviation or provide enough information to calculate the means and standard deviations for each condition" (Randolph 2009, 6). The search for peer reviewed articles is intensive and exhaustive in researching the databases for the past 19 years for every available literature on the topic. Thousands of peer reviewed articles were researched in the areas of drug abuse testing policies. One peer reviewed article was found and provided the foundation for the researcher's interest in conducting the study (Evans et al. 2006). Other articles retrieved are used as associate articles in subsequent chapters four and five. The time frame is chosen to represent a more contemporary approach to the literature found in studies with similar dependent variables. Although, no specific relevant studies regarding police officers' perceptions

to drug abuse testing policy are found in the literature, the intent of the study is to examine related literature and make an association with the study. The literature is confidently introduced and addresses numerous dependent variables related to concerns of police officers' perceptions to drug abuse testing policies. These dependent variables help in developing subsidiary questions and included in the survey. The study is not only to address the deficiency of the literature on police officers' perceptions to drug abuse testing policies but to persuade other researchers in the future to conduct general research on the topic.

The main premise for this literature review is based on the *Implementation: The Oakland Project* by Pressman and Wildavsky and *Implementation and Public Policy: With a New Postscript* by Mazmanian and Sabatier. The premise is that "when a program depends on so many actors, there are numerous possibilities for disagreement and delay" (p.102), "every program is likely to affect someone, somewhere, sometime" (p.116), "organizations, which deal with the collective efforts of men, are devoted to the processing of information and the generation of knowledge" (p.125), "the participants in any particular activity should contribute to a common purpose at the right time and in the right amount to achieve coordination" (p.133), and " the central

problem of implementation is not whether implementers conform to prescribed policy, but whether the implementation process results on consensus on goals, individual autonomy, and commitment to policy on the part of those who must carry it out" (p.167) (Pressman and Wildavsky 1984). And, the other premise is that to implement any program, it must be viewed from three perspectives. These are the "initial policymaker - the center, field level implementing officials - the periphery, and the private actors at whom the program is directed - the target group" (Mazmanian and Sabatier 1989, 12). In reference to this study, the following analogy is made to the Port Authority Police drug abuse testing policy; the policy was a federal mandate initiated by President Ronald Reagan which is the initial policy maker or center, then forwarded to the field level implementing officials or periphery which are the States that abided by the federal mandate and forwarded to police departments such as the Port Authority Police, and then implemented it to the private actors or target population who are the police officers in the Port Authority Police.

Port Authority police officers are willing to interact, work together, and coordinate with the Port Authority Police to develop a fair drug abuse testing policy amenable to everyone. However, the failure of the Port Authority Police to reach out

for participation in the design and implementation of the drug abuse testing policy, leads to police officers' perceptions. "When target groups are the principal beneficiaries of the program, they are likely to be more concerned with whether the services make any real difference in their lives" (Mazmanian and Sabatier 1989, 12). These premises relate to police officers' perceptions fairness to drug abuse testing policies.

#### B. Implementation Theory

Implementation theory is the relationship that exists between the "structure of the institution which individuals interact and the outcome of that interaction" (Jackson 2001, 655). It is a relationship which combines the ingredients of their interaction towards a meaningful objective among a myriad of actors behaving in good faith. There are six conditions for an effective implementation: clear and consistent policy objectives, attaining the desired goal, participants perform as desired, managers possess managerial and political skills are supported by constituents, and objectives are not undermined during conflict (Mazmanian and Sabatier 1989, 41).

Relating to the six conditions for an effective implementation and the researcher's experiences at the time of the implementation process, the Port Authority Police drug abuse testing policy lacked many of these conditions (Mazmanian and

Sabatier 1989). Language used for a clear and consistent policy objective was poor, which police officers fail to understand the drug abuse testing policy. The language used needed to be interpreted by the PBA, and/or their attorneys whenever an incident existed regarding the drug abuse testing policy. The importance of a clear, understood, and well disseminated drug abuse testing policy is addressed as a dependent variable in the survey. Attaining the desired goals is misinterpreted, as it was unclear to impacted drug tested police officers. Police officers' perceptions are unfavorable toward the drug abuse testing policy because no individual police officer participated in the design and implementation of the drug abuse testing policy. As a result, police officers are not supporting the method used to implement the drug abuse testing policy. The objectives of the drug abuse testing policy are undermined during conflicts with the drug abuse testing policy. Whenever an issue or an incident rose regarding the drug abuse testing policy, police officers have unfavorable perceptions towards the Port Authority Police.

The problem police officers have, is not with the drug abuse testing policy, but with how the policy was implemented. It is for this reason, the researcher decided to take on the study to determine what police officers' perceptions are about

the drug abuse testing policy, which have so many unfavorable perceptions. The implementation objectives were undermined during the implementation process with the PBA. Although, there is a collective bargaining contract agreement between the Port Authority Police and the PBA, there is a long history of contract violations by the Port Authority Police. As a result of this long standing history, the Port Authority Police controls PBA participation in the design and implementation of the drug abuse testing policy. The PBA represents the majority of the police officers. The PBA, is a bi-state police union, stays abreast of the latest labor laws in both states through its attorneys in New York and New Jersey. The PBA Executive Board members are elected by the membership and are full-time police officers who spent their entire time representing the best interest of the membership. This agreement is stipulated in their collective bargaining contract. The PBA Executive Board receives their regular salaries combined with the average of police officers overtime rate. Membership dues are automatically collected by the Port Authority of New York and New Jersey and are spent on legal representation, business related expenses, and related expenses for the membership.

There are three inducements important in working together toward a common goal if an implementation of a drug abuse testing

policy is to take place (O'Toole and Montjoy 1984). These inducements are "authority in cooperation is derived from a sense of duty, common interest in cooperation because each participant values the goal and the exchange of cooperation to receive in return for something other than achievement of the goal" (O'Toole and Montjoy 1984, 492). Police officers by nature of their occupation have a sense of duty in which they are willing to participate and collaborate with the Port Authority Police in implementing the drug abuse testing policy. They are equally selected, trained, and share "common goals, develop routines or standard operating procedures by which they interact in regular and predictable ways to solve regular and predictable problems" (O'Toole and Montjoy 1984, 492). Police officers share a common interest in the valued goal of a drug free police department. They also seek in obtaining a sense of belonging as the Port Authority Police secures a drug free employment environment. This sense of belonging is addressed as one of the dependent variables in the survey. According to the Port Authority Police and the PBA, they "must not only act, but act in a coordinated fashion" (O'Toole and Montjoy 1984, 492). The lack of coordination by the Port Authority Police leads to a "group of intra-organizational problems" for the PBA which "affects the operations in the chain of implementation" (O'Toole and Montjoy

1984, 494). Intra-organizational problems between the Port Authority Police and the PBA have been a long historical sequence of normative events that has kept the PBA very active. The reason for these intra-organizational problems between both organizations has been by the "lack of attention to and incentives for coordination among both organizations" (O'Toole and Montjoy 1984, 500).

An "effective implementation requires a strategic balance of pressure and support" between the Port Authority Police and the PBA" (McLaughlin 1987, 171). The Port Authority Police provides "no support, no incentives, and constraints exist to influence" motivation toward individual police officers (McLaughlin 1987, 175). By nature of their occupation, police officers are resistant to change and could "respond in idiosyncratic and frustrating unpredictable ways" (McLaughlin 1987, 172). But, it is not that every police officer is willing to cooperate, persuade, or induce to participate in the implementation process, but the fact of reaching out and placing an interest in police officers for collaboration (Pressman and Wildavsky 1984). Although, the interaction of police officers could delay the implementation and could result in lower performance or lower participation in the design and implementation, it would have been costlier or it could have had

undersigned consequences, as this was unknown at the time (Pressman and Wildavsky 1984). Police officers can "contribute to a common purpose at the right time and in the right amount to achieve coordination," the researcher believes this created additional unfavorable perceptions or undersigned consequences the Port Authority Police was not ready to confront (Pressman and Wildavsky 1984, 133). It turns out that the Port Authority Police and police officers can "act within a context of expectations that something will happen that bears, at least a passing resemblance, to whatever was mandated by the initial policy decision" (Bardach 1977, 43).

The drug abuse testing policy has been designed to "build a shared understanding, and if possible, to achieve consensus on evaluation requirements and strategies to maximize the applicability of the results and increase the likelihood of program improvement" later-on (Freeman and Solomon 1981, 16). The objectives of the drug abuse testing policy "absorb implementation into planning and design, so that implementation is absorb into interaction" between the Port Authority Police and individual police officers making the drug abuse testing policy favorable and acceptable (Majone and Wildavsky 1978, 105). Professional identity, personal socialization, and longevity in policing leads to police officers' perceptions fairness among all

participants by working together to implement the drug abuse testing policy. Amenable to the goals of the mandate, both the Port Authority Police and individual police officers found common grounds in the implementation of the policy rather than a total disregard of individual police officers' participation in the design and implementation in developing a bottoms-up drug abuse testing policy. A bottoms-up policy is a term developed in a study of a Swedish manpower training program identifying employees in the service delivery about goals, strategies, activities, and contacts (Hanf et al. 1978). A network technique is created to identify those involved in planning, financing, and executing the program such as administrators. It begins with the unemployed or underemployed persons and develops retraining plan strategies for dealing with them including unions, government officials, and training centers (Hanf et al. 1978). This mechanism moves from the street level approach to top level approach policy makers. The result of the study is that the program is more dependent on the skills of employees in the implementation than the efforts of the administrators. Bottoms up strategies deals better with employee strategic interaction over time than top down approach and are less occupied with how the policy decision is carried out and more concerned with understanding the interaction of the actors (Hanf et al. 1978).

The content or substance of the policy and the procedural fairness of the policy could have been addressed and an agreement could have been reached in the overall fairness to all parties involved. The outcome of the drug abuse testing policy was "whether the implementation process resulted in a consensus goal, on an individual autonomy, and commitment to policy on the part of those who must carry it out" (Pressman and Wildavsky 1984, 167). Now that the program was underway, the Port Authority Police "became responsible for both the initial condition and for the objectives toward which they are supposed to lead" (Pressman and Wildavsky 1984, 164).

The motivation and beliefs in the perception fairness to the drug abuse testing policy is less amenable to policy intervention because "motivated professionals make every effort to do their job well" (McLaughlin 1987, 174). The new drug abuse testing policy becomes a perception problem toward the Port Authority Police by individual police officers who are affected and are the line-level personnel dealing with hands-on practices of policing. Port Authority Police are responsible for carrying out the policy and their acts of professional and personal motivation, different than those of police officers (Mazmanian and Sabatier 1989). It is only when external policy variables, such as clear goals, have been understood that issues of program

development or the quality of implementation can be assessed (McLaughlin 1987). "Policy effects are complex and sometimes invisible, that to understand them, needs to be changed to a learning model that stresses reflection" which can easily be viewed or witnessed and operationally can make sense (McLaughlin 1987, 175). "Programs can be delayed, modified, scaled down, and otherwise adapted or distorted to fit the environment" (Pressman and Wildavsky 1984, 110). In the end, it is the will, attitudes, motivation, and beliefs that inspire the implementers' responses toward the goals and strategies set forth in the policy that produces a favorable drug abuse testing policy (McLaughlin 1987). In other words, "coordination becomes power" (Pressman and Wildavsky 1984, 134). The perception fairness of the drug abuse testing policy is addressed as a dependent variable in the survey. This subjects the Port Authority Police to criticism, disapproval, challenge, blame, responsible, and liable for failure to reach out to their employees during the implementation of the drug abuse testing policy which is what the study reveals. The "goal and implementation actions are part of a process of interaction," something all police officers want, in order to become part of the process (Pressman and Wildavsky 1984, 164).

### C. Official Documents

There are six official documents addressed in this literature. These documents establish the foundation for the existence of a Port Authority Police drug abuse testing policy. The first document is President Reagan's Executive Order 12564 which mandates the eradication of drug abuse in the workplace. The second document is the New Jersey Attorney General's drug abuse testing policy and guideline mandate to all police departments to develop a police drug abuse testing policy with careful scrutiny in regards to due process and protecting the rights of all police officers. The third document is the Port Authority Police Reasonable Suspicion Drug Testing Policy. The fourth document is the first version of the Port Authority Police drug abuse testing policy procedure, dated 1991-1996. The fifth document is the second version of the Port Authority Police drug abuse testing policy procedure, dated 1996-2003 which was extended to 2010. And, the sixth document is the General Rules and Regulations for All Port Authority Employees.

#### 1. President Ronald Reagan Executive Order 12564

President Reagan's Executive Order 12564 establishes the foundation and officially recognizes workplace drug abuse (Appendix A). The Executive Order mandates that all federal public and contract employers in sensitive occupation dealing

with the public to eradicate drug abuse in the workplace. The Executive Order also leaves the implementation process to each employer. Drug abuse testing policies have been court challenged on numerous occasions after the Executive Order was signed. The Drug-Free Workplace Act of 1988 (Appendix B), on the other hand, solidified the Executive Order by Congress. Several Supreme Court decisions were upheld in 1989 as to the constitutionality of drug abuse testing. The two most famous cases are Skinner v. Railway Labor Executives Association and the National Treasury Employees Union v. VonRaab.

The Executive Order specifically condemns the use of illegal drugs both on and off the job, regulating on and off-duty behavior. This brought forth challenges by the plaintiffs of both of these cases. The Executive Order also deals with both procedural due process and the reasonableness of drug abuse testing programs out of concern for public safety and employee integrity. This mandate reflects a national awareness that illegal drug abuse is an epidemic and drug abuse testing is a necessary tool to maintain the public's trust in government.

Police officers as public servants are directly impacted by the Executive Order. They represent government and are held accountable to government and the public. Police drug abuse is a serious problem that has to be addressed. The implementation of

police drug abuse testing policies governs police behavior throughout the United States in maintaining public safety, integrity, and trust. And, as a result, state, county, and local police departments are implementing drug abuse testing policies regulating this type police behavior. In 1992, the Port Authority Police of New York and New Jersey implemented a drug abuse testing policy (Appendix D). This policy led to police officers' perceptions that impacted police officers by the drug abuse testing policy. This was the reason the researcher, a retired police officer from the Port Authority Police (1980-2000), decided to conduct the study. The researcher wants to examine what are these perceptions and how and why they impact police officers.

Although the literature did not specifically address the Port Authority Police drug abuse testing policy, other than, it set the standards for states to begin implementing drug abuse testing policies, it did lay the foundation to more Port Authority Police regulated behavior to an already highly regulated occupation. The Executive Order mandates an important responsibility on police departments to maintain a closer observation on police officers in maintaining the integrity and respect of the public. No police department wants to be known as corrupt or their police officers being accused of drug abuse. It

is for this reason the Port Authority Police implemented a stringent drug abuse testing policy which led to police officers' perceptions.

## 2. New Jersey Attorney General Guidelines and Police Drug Abuse Policy

New Jersey Attorney General W. Cary Edwards issued a drug abuse testing policy on October 22, 1986 (Appendix C). This policy was sent to all law enforcement agency heads mandating the implementation of a drug abuse testing policy. This policy mandates a uniformed statewide drug testing "in order to maintain a drug-free law enforcement community and at the same time safeguard the rights of individual police officers" (Appendix C, 1). This policy also stressed the importance that drug abuse "is not tolerated even to the slightest degree" (Appendix C, 1). All police applicants, trainees, and officers are to be tested through a urinalysis testing. Permanent police officers testing positive for drug abuse should have an impartial and fair hearing and potentially dismissed from their positions. Refusal to urinalysis testing resulted in an impartial and fair hearing and determination that he/she is properly ordered to a urinalysis test and is to be potentially terminated from employment. All supervisors are required to undergo in-service training in substance abuse detection. The Attorney General also indicated the drug abuse testing procedure "had to be reasonable, reliable,

and adhered to due process consideration in order to satisfy constitutional requirements" (Appendix C, 3). And, the state mandate was not "intended to require the testing of civilian employees of law enforcement agencies" (Appendix C, 4).

In contrast with President Reagan's Executive Order 12564, the mandate minimally differed. The main goals of both mandates are to maintain trustworthy law enforcement agencies where police officers are not undermined, generating public trust and adhered to procedural due process and abided by constitutional requirements. The Port Authority Police, a bi-state (New York and New Jersey) police jurisdiction police department, was impacted by both President Reagan Executive Order 12564 and the New Jersey Attorney General Drug abuse testing policy. And, as a result, these two mandates led to police officers' perceptions impacted by the drug abuse testing policy.

### 3. Port Authority Police Drug Abuse Testing Policy: Reasonable Suspicion Drug Testing

The Port Authority Police drug abuse testing was enacted on September 21, 1992 and became effective on October 6, 1992. The goals were to address drug abuse by members of the police force. Drug abuse undermines "job performance of the abuser; jeopardizes the safety of the abuser, other members of the force, other employees, and the public" (Appendix D, 1). Drug abuse, also "weakens public confidence in the police department and

significantly interferes with the public mission of the Port Authority Police" (Appendix D, 1). This policy adjudges that knowledge withheld by police officers on other police officers involved in drug abuse constitute a violation and "shall lead to disciplinary action" (Appendix D, 2). There is "neither a superior claim of privacy nor a reasonable expectation of privacy on the part of police officers in connection with an office, locker, desk, file cabinet, or other repository or vehicle furnished by the Port Authority or their contents" (Appendix D, 3). Upon the establishment of "reasonable suspicion that a police officer possesses illegal drugs," the Port Authority has the right to search him/her and its principals (Appendix D, 3).

In contrast to the New Jersey Attorney General's drug abuse testing policy, the Port Authority Police drug abuse was enacted six years later. This long time resulted from controversies and/or disagreements between the Port Authority Police and the PBA (police union) in attempting to agree to the drug abuse testing policy. Both the Port Authority Police and the PBA have had a long history of disagreements and controversies regarding contract violations by the Port Authority Police. This is a long standing relationship between both of these two organizations. The next two drug abuse testing procedure official documents

(Appendix D1 and Appendix D2) were agreed but drastic changes occurred in the second document (Appendix D2).

The Port Authority Police drug testing policy contains controlling conditions which are much more stringent than the New Jersey Attorney General's drug testing policy. Expertise in drug knowledge is not necessary by supervisors as was in the Attorney General's policy; however, Port Authority supervisors are to maintain vigilance to changes in police officers' work behavior and work performance. If the supervisor recognizes a change in behavior, he/she must obtain another supervisor to serve as a witness of the impairment. Should a police officer refuse to abide by the instructions of the supervisors, he/she will be suspended pending a hearing and possibly terminated from employment. Continued refusal by the police officer leads the police officer to be taken home after the establishment of drug impairment which also leads to law enforcement consequences such as the supervisor arresting the police officer.

This type of strict stringent drug abuse testing also led the researcher to undertake the study to examine its significance in how and why it leads to police officers' perceptions. The examined research questions attest to the relevance of the strictness of the drug abuse testing policy. In examining these

variables of police officers' perceptions fairness to a mandated drug abuse testing policy they are addressed in the survey.

#### 4. Port Authority Police 1991-1996: Reasonable Suspicion Drug Testing Procedure

The 1991-1996 Memorandum of Agreement Reasonable Suspicion Drug Testing Procedure was formulated upon an agreement between the Port Authority Police and the PBA (Appendix D1). This was the first mutual agreement between the Port Authority Police and the PBA regarding drug abuse testing procedures after a long period of discussion for the implementation of drug abuse testing as mandated by the New Jersey Attorney General in 1986. Drug abuse testing procedures enabled positive testing result police officers to consult with drug treatment programs for a one-time event and allowed for disciplinary hearings. The drug abuse testing procedure had a strong confidential procedure in not disclosing the testing results to external agencies regardless of the circumstances. The drug abuse testing results were kept confidential and used for internal investigation purposes. In addition, the drug abuse testing results were not "used by the Port Authority Police in connection with any criminal investigation or prosecution unless requested by subpoena or court order" (Appendix D1, 1). The goal of the procedure was to introduce a police officer to a drug treatment program for rehabilitation when testing positive for drug abuse. The

procedure also allowed for the handling of the collection of three vials of the urinalysis samples from police officers. These vials were collected and sent to a certified National Institute on Drug Abuse (NIDA) laboratory where one vial was analyzed. If the vial resulted in a positive result, the second vial was analyzed. And, if the second vial resulted in a positive result, the third vial was given to the police officer to be submitted to a NIDA certified laboratory of his/her choice for analysis. If the third vial resulted in a positive result, the member of the force was placed on administrative suspension pending an impartial hearing for discipline or termination depending on the circumstances provided by police officer's responses for explaining the positive results. If the police officer provided a substantiated defense for the positive testing result, he/she would be suspended without pay for a specified time for failure to notify the Port Authority Police in advance regarding prescribed or over-the-counter drugs. If the police officer failed to provide a substantiated justification for positive testing, he/she was terminated from employment.

In contrast with the New Jersey Attorney General's drug abuse testing policy, the Port Authority Police drug abuse testing procedures contained similarities in the goals and mission of the drug abuse testing policy as in the 1991 - 1996

Drug Abuse Testing Policy and Procedure. The main objective of the drug abuse testing policy was to seek drug treatment to police officers testing positive. This disposition allotted police officers a second chance or opportunity to change their behavior and seek help through drug treatment programs. It also provided impartial hearings for the purpose of discipline. However, in the Port Authority Police, job termination was the last resort when testing positive. In the event of job termination, police officers were offered job transfers to non-police occupations with the Port Authority. The agreement between the Port Authority Police and the PBA took a long time, six years to be exact, to become a reality producing an amenable agreement that helped those caught in the web of drug abuse.

The time it took to develop this drug abuse testing agreement is critical in the study. The lack of police officers' participation in the design and implementation of the drug abuse testing agreement led to police officers' perceptions, including the researcher. The challenges and conflicts which existed between the Port Authority Police and the PBA caused this agreement to take so long to be negotiated. The allotted of a treatment program and an alternative disposition, away from job termination to police officers testing positive, was one of the dependent variables addressed in the survey.

## 5. Port Authority Police 1996-2010 Drug Abuse Testing Policy and Procedure

The 1996-2003 (extended to 2010) Memorandum of Agreement Drug Abuse Testing Procedure was formulated upon an agreement between the Port Authority Police and the PBA (Appendix D2). This was the second Memorandum of Agreement addressing Port Authority Police drug abuse testing. The main focus of this agreement was to "separate from employment with the Port Authority" any police officer "engaged in the illegal or unauthorized use of drugs" (Appendix D2, 1). The confidentiality procedure remained the same as the 1991-1996 agreement. The agreement continued to underline "reasonable suspicion when facts and observations were based on the reliability and weights of the information brought to the attention of superior officers and superior officers can reasonably suspect that police officers were engaged in illegal or unauthorized use of drugs" (Appendix D2, 2). Although, random drug testing was conducted under the previous agreement, this agreement officially addresses the procedure. The procedure required, for the first time, the witnessing and signature of the random selection of names and members' numbers (shield numbers), on the prior day of administering the drug abuse test, by the PBA. The selection was based on a "quota established by the Superintendent of Police" (Appendix D2, 2). Police officers, on vacation, on military

leave, on compensatory time off, regular day off, assigned to other jurisdictions, out sick, taking approved personal days off, or are off, as a result of an injury on duty (IOD), were removed from being selected for random drug testing on this occasion. Police officers are within their rights to have PBA representatives (Delegates) present during drug testing. The first difference found between the previous agreement and the present is that instead of collecting three vials of urine, only two are collected. The urine sample is tested through a technical analysis of a biological specimen. The urinalysis is first screened for drugs using an analyzer that performed an immunoassay during the initial screen. The second vial was then analyzed by Gas Chromatography-Mass Spectrometry (GC/MS), considered the "gold standard" for forensic biological substance identification because it is used to perform a specific test for specific drugs. The second difference found in this agreement is the use of Department of Human and Health Services certified laboratories instead of NIDA certified laboratories. And, the third difference found in this agreement is the disposition for those testing positive in the drug testing of job termination, without the availability of drug treatment for rehabilitative purposes. The availability of drug treatment programs is only for police officers who in advance notify the Port Authority

Police of sustaining a drug abuse addiction, similar to police officers sustaining an alcohol addiction problem. The expenses of these treatment programs are covered through police officers' health care benefit plans and additional expenses are their responsibilities.

This drug abuse testing policy underwent several changes from the 1991-1996 Reasonable Drug Testing Procedure (Appendix D1). In contrast to New Jersey Attorney General's drug abuse testing policy, this policy indicates the strong stand on drug abuse taken by the Port Authority Police. This strong position taken by the Port Authority Police was also agreed by the PBA. The PBA's position is that police drug abuse is a serious problem that needs to be addressed and that drug abuse has no place in policing. The Port Authority Police and the PBA notified all police officers of this agreement. Police officers are no longer given the benefit of the doubt, as was indicated in the first drug abuse testing policy. The policy, officially, changed its focus in removing drug abuse police officers by job termination for testing positive for drug abuse, removing the possibilities of rehabilitating police officers testing positive, introduced random drug testing, laid-out the selection procedures for random drug testing, involves the PBA to witness the created list, collects two vials and analyzed them through two different

methods, and changes to certified laboratories, relying on the US Department of Human and Health Services laboratories. Several dependent variables found in the literature are addressed in the survey relating to alternative dispositions beside job termination by positive drug testing results; the unfairness of the drug abuse testing policy in potentially reducing drug abuse and having education and drug treatment programs for police officers testing positive for drug abuse.

The course of actions between the Port Authority Police and the PBA produces a new policy implementation strategy through a convincing notion in identifying drug abusers on what is in the best interest of police officers abusing drugs, was the same practical results of the experiences displayed by society. In other words, the drug abuse problem experienced by police officers mirrors the same problem shared by society, as police is a derivative of society. Also, both police and society have accepted the fact that government is unable to curtail the drug problem. Acceptance by the Port Authority Police and PBA of the facts of the drug problem, the signs of the times, and a governmental mandate, produces a fair workable drug abuse testing policy.

## 6. General Rules and Regulations for All Port Authority Employees

The General Rules and Regulations for All Port Authority Employees (Appendix H) is a guide document given to all employees, uniformed and non-uniformed, when they enter into service with the Port Authority. This guide lists "the essential policies and standards of conduct and performance, safety, ethics, financial matters, and other topics. It explains the rules and regulations which apply to everyone's role both on and off the job" (Appendix H, 3) These rules and regulations include: ethics, conduct, public relations, doing the job, reporting attendance and absence, safety and sanitary conditions, Port Authority property and its use, financial and legal matters, and disciplinary action.

The Port Authority Police, in addition to the general rules and regulations, has a Police Operations Manual which contains the Police Operations Instructions detailing policies, rules, and regulations of conduct, on and off duty. The Port Authority Police uses any of these documents when enforcing the rules of conduct. Although the police drug abuse testing has been in existence since 1992, prior to this date, the Port Authority Police used the Police Operations Manual and the General Rules and Regulations to enforce police conduct. The General Rules and Regulations have a specific section that prohibits possession and

use of narcotics on Port Authority property that are applicable to all employees. Disciplinary action hearings conducted by the Port Authority Police through the General Rules and Regulations are used as a last resort. Usually, these rules and regulations are used when the Port Authority Police is looking to terminate somebody's employment. Normally, the PBA represents police officers whenever charges are brought up against them by the Port Authority Police. Subsequent to police trials or hearings, agreements and conditions are discussed, most of the time, to safeguard the police officer's employment, or to extend them another opportunity to turn-around their behavior, providing a second chance. In Port Authority trials, police officers facing more serious violations, the General Rules and Regulations for All Employees is applied which removes the police officers from employment.

In contrast to the mandate of the drug abuse testing policy from the New Jersey Attorney General, these Rules and Regulations for All Port Authority Employees provide the ultimate guidelines of conduct in the Port Authority of New York and New Jersey. These rules and regulations seriously control employees' behaviors. Penalties for violating these rules and regulations are decided by the Port Authority of New York and New Jersey which do or do not understand the rationale for the conduct

suspected. The scope of the entire matter is quite different than if it is initiated by the Port Authority Police and the PBA.

#### D. Drug Abuse Testing Policy Studies Establishing Theoretical Frameworks

##### 1. Drug Abuse Testing Reduces Drug Abuse

Evans et al. examines student perceptions as to the effectiveness and perceived fairness of a drug abuse testing policy in High School. The drug abuse testing policy was mandated as a result of several court decisions upholding that schools can implement drug abuse testing policies. There are a number of concerns regarding violations of civil rights, criteria to be used, or test accuracy issues in school settings involving students (Yamaguchi et al. 2003).

In contrast, the "association between student drug abuse and drug testing policies in schools" is similar in another study (Yamaguchi et al. 2003, 164). The data used in the Yamaguchi et al. study was obtained from the Monitoring the Future study by the National Institute on Drug Abuse. The results fail to find any "evidence for the effectiveness of drug testing" but found out that "drug testing in schools does not provide a panacea for reducing student drug use" (Yamaguchi et al. 2003, 164).

Goldberg et al. examines a different data obtained from the Student Athlete Testing Using Random Notification (SATURN) and their results indicate that 30 days after the drug testing policy

went into effect; there was a decrease in the number of student athlete drug abuse. An unfavorable perception existed if the drug testing policy is viewed as unfair (Murphy et al. 1990). In Evans et al. study, their findings indicate that 74.1 percent of students agree the testing policy reduces drug abuse, although 40 percent "believes the consequences of testing positive for drugs are nominal or minimal" (Evans et al. 2006, 454).

The results of these studies lead to a further need to examine this area in order to determine whether drug abuse testing reduces drug abuse in policing.

## 2. Perceptions of Job Safety Sensitivity toward Drug Abuse Testing

According to Paronto et al., the authors examine perceptions associated with drug abusers and their perceptions toward drug abuse testing. The association identifies the effects of job safety sensitivity on perceptions toward drug abuse testing and drug treatment. Accidents and related incidents increase due to the effects of poor job performance from drug abuse on and off the job (Mangione et al. 1999). Moore et al. agrees with Mangione et al. about the rise of employee drug abuse consequences for abusing drug (Moore et al. 1998). The Substance Abuse and Mental Health Services Administration conducted a study that estimates that 73 percent of employees are drug abusers (SAMHSA 2000). The increase of drug abuse has a

high impact on employers that, although it poses a threat to performance in all jobs, employers continue to implement drug abuse testing policies (MacDonald 1997). According to the Substance Abuse and Mental Health Services Administration, marijuana is the most common drug abused (SAMHSA 1997). Several states including New Jersey decriminalized the amount (less than 25 grams) of marijuana possession for personal use. As a result of decriminalization, "employee reactions to drug abuse testing and treatment are more important than ever" (Paronto et al. 2002, 1159). As marijuana use continues to rise from decriminalization, employers are facing the challenges of drug abuse testing and facing potential drug abusers as new job applicants who prefer employment in non-drug testing organizations and staying away from drug testing employers. This results in lower job applicants and having to hire employees who abused drugs in the past. Employers recognize the problem and begin to offer drug and alcohol treatment programs to employees, as a form of organizational intervention, in their health plan packages, as a way of dealing with the rise in drug abuse (Paronto et al. 2002).

Drug abuse "testing is more acceptable in settings in which impair performance can endanger others" and recognizing the "importance of danger to co-workers and to the public" (Murphy et

al. 1991, 448). Fairness perceptions have been related to job safety sensitivity consequences in testing positive for drug abuse (Tepper 1994). Drug abuse testing policies are perceived fair when they are related to employee safety and that of the public (Murphy et al. 1990). Job safety sensitivity drug abuse testing became a mandatory requirement "for all organizations receiving government contracts greater than \$25,000" as part of President Reagan's Executive Order 12564 (Paronto et al. 2002, 1159).

Perceptions associated with drug abusers and their perceptions toward drug abuse testing indicate that drug abusers unfavorably perceive drug abuse testing as fair (Paronto et al. 2002). Job safety sensitivity perceptions are favorably related to drug testing and voluntary drug treatment programs are favorably perceived when drug treatment programs are monitored (Paronto et al. 2002).

The results of these studies lead to a need to further examine whether the effects of drug abuse on job safety are an issue in policing. The continue abuse of drug has an impact on employers, as well as states decriminalizing drugs. Employers experience a growth in past drug abuser' job applicants and is no surprise that police officers are, as well included. This trend is unfavorably perceived as dangerous in the impairment of job

performance. These authors agree that in the public sector, public trust is jeopardized when employees abused drugs.

### 3. Perceived Fairness and Effects of Drug Abuse Testing by Past Drug Abusers

Based on a study conducted by Truxillo et al., the authors examine the perception fairness and effects of organizational drug abuse testing consequences by past drug abusers. Drug abusers tend to be related to withdrawal behaviors such as taking longer lunches or sleeping on the job (Lehman and Simpson 1992). Consequences of organizational drug abuse testing consist of either termination or rehabilitation for employees. Drug abuse testing is a recruitment and retention tool used by employers to discover past drug abusers (Bauer et al. 1998). According to a study by the Substance Abuse and Mental Health Services Administration, conducting drug abuse testing in the workplace is a predictor of negative employee behavior (SAMHSA 1997).

The data for Truxillo et al. study was obtained from a statewide telephone survey of the general adult population of a Western state. They indicate that in an effort to successfully implement a drug testing policy, a number of areas must be researched. These include the examination of perceptions of non-drug abusers but have abused drugs in the past, obtaining true samples of employees rather than fictitious scenario by students, and assessing past drug abusers with drug abuse testing

consequences. Their results indicate that those who never abused drugs have favorable perceptions of drug abuse testing than those who abused drugs in the past. Past drug abusers have unfavorable reactions to drug testing than those who never tried drugs (Fishbein and Ajzen 1975). Truxillo et al. indicate favorable perceptions exist by drug abusers to rehabilitative drug testing consequences other than job termination. Drug abuse testing perceptions are related to only those with past history of drug abuse and not by those who never used drugs. Drug abuse testing perceptions by past drug abusers affect trust, satisfaction, and job performance which is one of the reasons for drug abuse testing (Konovsky and Cropanzano 1991).

The results of these studies lead to a need to further examine this area, as to whether variables related to trust, satisfaction, and performance applied to the occupation of policing.

#### 4. Drug Abuse Testing Perceptions and Work Related Variables

Based on a study conducted by Moore et al., the authors examine the correlation between drug abuse testing perceptions and work related variables from blue collar workers. These variables include employee characteristics which need to be understood for a need of drug abuse testing policies. Employee perceptions need to be understood and are an important element

when implementing drug abuse testing policies (Konovsky and Cropanzano 1991). Harris and Heft agreed with Konovsky and Cropanzano that there is a need to understand various organizational and drug abuse testing program perceptions to understand the effects of drug abuse testing. Work related variables include decision making, worker participation, and employee ownership. Moore et al. felt that more research is needed to include blue collar workers because past research indicate that white collar workers have been studied sufficient, and because of the different work related characteristics, drug testing perceptions by blue collar workers are important. Demographic variables are also included in their study. Harris and Heft indicate that demographic variables have not revealed significant relationships with drug abuse testing perceptions. These variables persuade the level of favorable perceptions in drug abuse testing policy by employees. Linn et al. contradicted Harris and Heft in that demographic variables are significant associated with drug abuse testing. Linn et al. also indicate that favorable perceptions are associated by employees with strong beliefs in drug abuse testing, the seriousness of the drug problem, and who are strong believer of big penalties. In contrast, potential new job applicants hold favorable perceptions in applying to companies without drug abuse testing (Crant and

Bateman 1990). A sense of belonging to the organization or the vested interest in the organization by employees, allows them to have decision making power and increased participation, generating favorable perceptions toward drug abuse testing policies (Moore et al. 1998).

Moore et al., uncovered blue collar employee perceptions, which experiences both the risks and rewards and who represent a cross section of the labor force. Their study was conducted by a survey to understand the correlates of worker participation perceptions in implementing a fair drug abuse testing policy. Their results indicate that drug abuse testing perceptions are favorable when employees are familiar with the drug abuse testing policy and feel comfortable when speaking to supervisors about drug abuse problems. Employees with "greater vested interests in the organization would be in favor of programs designed to protect themselves and others, to increase productivity, reduce accidents, and so on," in a drug abuse testing policy (Moore et al. 1998,136). Those with longer tenure have unfavorable perceptions on drug abuse testing. Random drug abuse testing for employees holds unfavorable perceptions by tenured employees than for new applicants (Moore et al. 1998).

The results of these studies lead to the need to further examine this area, as to whether work related variables impact

police officers' perceptions to drug abuse testing policy.

Police officers who are familiar with the drug abuse testing policy, as opposed to those who are not, and who understand the perceptions towards them, display importance in implementing drug abuse testing policies.

#### 5. Personal and Situational Factors Determining "Crystallized" Perceptions

Bennett and Lehman examined how perceptions of drug abuse testing policy are determined from personal and situational factors. They wanted to "enhance behavioral compliance with policy to benefit from a systematic understanding of those perceptions, beliefs, or intentions that precede such compliance" (Bennett and Lehman 1996, 832). Not much attention has been given to how employees formulate perceptions toward policies or how these perceptions impact between policy and work (Brief and Folger 1992). According to Bennett and Lehman, there are two situations in which employees' perceptions become crystallized; "when the policy is relevant to employee comfort and productivity" (Bennett and Lehman 1996, 833) or as, according to Jones and Davis concept of a "hedonic relevance" which is a "function of its motivational significance for the perceiver" (Jones and Davis 1965, 237), as when there is no impact on non-drug abusing employees who are exposed to drug abusing co-workers (Beattie et al. 1993) and "when the policy may be a direct

concern or threat to the employee" (Bennett and Lehman, 1996, 833) or as, according to Jones and Davis concept of "personalism which distinguishes between the choices which are conceivably affected by the presence of the perceiver and choices which are not conceivably so affected" (Jones and Davis 1965, 247), as when "applicants may have invested little in a job for which they are rejected, while employees may perceive a dismissal as a great personal loss" (Murphy et al. 1990, 629). Bennett and Lehman uses five perception categories to conduct their study, those who are not satisfied with the drug abuse testing policy, those who are satisfied, those who are anti-policy, those who are pro-policy, and those who are uninformed. Except that police officers and uniformed fire fighters are excluded.

Their study was conducted through questionnaires of randomly selected employees in three southwestern municipalities. The key results indicate a consistency in all three cities. The results indicate that:

- a. Those who are not satisfied with the drug abuse testing policy have the least number of drug abuse and the highest in co-worker drug abuse.
- b. Those who are satisfied with the drug abuse testing policy have the lowest co-worker drug abuse and high job identity.

- c. Those who are anti-policy to the drug abuse testing policy have the highest drug abuse of co-worker drug abuse.
- d. Those who are pro-policy with the drug abuse testing policy have the lowest personal drug abuse, low co-worker drug abuse, high job identity, and a willing to apply more sanctions to employee drug abuse.
- e. And those who are uninformed about the drug abuse testing policy have low co-worker drug abuse and have low job identity.

The effects of these results can be better explain in combination of both factors, personal (job identity) and situational (co-worker drug abuse) than one factor by itself (Brief and Folger 1992). Perceptions vary in how well they are formed or how well they are crystallized (Sears 1986). Bennett and Lehman agree with Sears in that employee perceptions are "not well formulated or that the policy is inadequately communicated or implemented" (Bennett and Lehman 1992, 833). Drug abuse testing policies should address normative regulations, the quality and organization of work, factors external to the workplace, and the drug abuse subculture (Ames and Janes 1992).

The results of these studies lead to a further need to examine this area to determine, as Bennett and Lehman introduced, a

concept applicable to understanding and enhancing behavioral compliance with policies. "Indicators of the objective set of activities comprising a job and measures of incumbent perceptions of those activities do not necessarily converge" that not much attention are given as to how employees create perceptions toward policies. (Brief and Folger 1992, 193). As suggested by them, both factors, personal and situational, need to be examined in policing. And, when implementing drug abuse testing policies, they should include the police organizational culture, work groups, and local communities.

#### 6. Inability of Urinalysis Drug Abuse Testing to Detect Employee Performance Impairment

Based on a study conducted by Comer and Buda, the authors examined the problems that exist with the inability for urinalysis drug abuse testing to detect employee performance impairment which "increases the perception of testing as invasiveness" (Comer and Buda 1996, 131). Urinalysis drug abuse testing is unable to detect performance impairment. Urinalysis is only able to differentiate between someone who abused drugs or is exposed to them to someone who did not (Morgan 1987). Urinalysis drug testing is also unable to assess drug use in time to prevent harmful consequences to the users or others. The metabolites found in the urine that produces positive testing do not mean the person cannot work (Comer and Buda 1996). Gill and Michaels

presented an argument that just because you are abusing drugs it does not mean that you are unfit to work. A number of demographic factors can affect the decision of abusing drugs that can even boost work performance. Comparatively, Desjardins and Duska argue that as long as employees are doing their work, it should not matter if they are abusing drugs. Stevens indicate that employers should concentrate in focusing on employees' inability to do their jobs rather than on the cause of any impairment. A problem with urinalysis drug testing is the inability of the accuracy results. This problem leads to unfavorable perceptions about drug abuse testing (Reid et al. 1990). Crant and Bateman 1989 indicate that they have a concern with the reliability of urinalysis drug testing being compromised by false positives and human errors because it does not distinguish impaired performance. Fine, stated that the focus should be on performance impairment testing rather than the causes of impairment to do the work. In contrast, these problems enhance the perception awareness of the entire urinalysis testing procedure and therefore, alternative drug testing methods need to be found as in Stevens indicated in the New York Times. In his article, a computerized testing instrument, sort of a video game, is tested by NASA and the US Air Force to focus on impairment rather than invading employees' privacy. It assesses employee

performance fitness on the spot by detecting "impairment from drugs, alcohol, lack of sleep, emotional stress, illness, or other causes" (Stevens 1990, C8). This technique was developed in the 1960s and used by "NASA to test day-to-day capabilities of volunteers who lived for 90 days in a test chamber as part of their research leading to the Skylab program" (Stevens 1990, C8). Urinalysis drug abuse testing only indicates exposure to drugs and not performance impairment, whereas performance skill testing, test for performance impairment such as stress, fatigue, and drug abuse eliminating urinalysis personal intrusiveness.

In Comer and Buda's study, their results indicate that the overall response of urinalysis drug abuse testing is the inability to detect employee performance impairment causing unfavorable perceptions of urinalysis drug abuse testing. Performance impairment skill tests detect impaired behavior which is less expensive to administer and interpret than urinalysis testing and the results are immediately known (Fine 1992).

The results of these studies lead to a further need to examine this area to determine police officers' perceptions which suggest the need for an alternate method to drug abuse testing, as urinalysis drug abuse testing can only detect drug abusers or exposure to drugs. The results of urinalysis drug abuse testing can be unreliable in their accuracy results and subject to human

errors. An alternative method needs to be examined to detect for drug, alcohol, lack of sleep, emotional stress, illnesses, or other causes that can be found in the police occupation. This alternative method is less expensive in administering and interpreting and the results are known immediately.

#### 7. Confidentiality of Drug Abuse Testing Results: Perceived Fairness by New Applicants

According to Sujak et al., the authors examines the effects of drug abuse testing programs and the fairness perception on confidentiality procedure in drug abuse testing of new applicants. To some, drug abuse testing programs are criticized and viewed as harassment or have negative impact on new job applicants (Rothman 1988). It is essential when implementing drug abuse testing policies that employers be cognizant of unfavorable perceptions impacting new or existing employees (Sujak et al. 1995). Drug abusers or previous drug abusers' perceptions are negatively impacted when seeking employment at organizations with drug abuse testing programs, as a result of their history of abusing drugs (Crant and Bateman 1990). Keeping the test results confidential is suggested when implementing drug abuse policies (Bible and McWhirter 1990). Sujak et al. took this approach and "examined whether the type of drug abuse testing program and restrictiveness of confidentiality are related to procedural fairness judgments and potential

applicants' responses to a drug abuse testing program" (Sujak et al. 1995 403).

According to Sujak et al., the "confidentiality of drug abuse testing results ensures that employers do not abuse the power they had over their employees" (Sujak et al. 1995, 403). This protects employers against liability for defamation of character for disclosing employees' records (Crown and Rosse 1988). Informing other employers that an employee failed a drug abuse test has a risk liability (Bible and McWhirter 1990). Crown and Rosse indicate that drug test result information is based on "a need to know basis" when the employer discloses this information to supervisors (Crown and Rosse 1988, 37). Gomez-Mejias and Balkin also indicate that confidentiality of employee records have a perceived fairness in perception of drug abuse testing policies. Violation of confidentiality procedures tends to erode the existing relationship between employer and existing employees or new job applicants (Bies 1993). This exchange relationship that exist between new applicants and employers increase the level of trust and fairness, increase the mutual outcome of both parties; new applicants seek employment in organizations that respect their privacy rights and employers seek drug free employees.

In an effort for employers to reduce absenteeism, increase job performance, lower turn-over rates, reduce accidents and injuries, and increase morale, they are resorting to implementing drug abuse testing programs that lead to "distrust, resentment, and hostility" by employees (Sujak et al 1995, 404). Favorable perceptions in the confidentiality of test results in drug abuse testing programs are important and are considered by new applicants when seeking new employment eliminating "distrust, resentment, and hostility" (Sujak et al 1995, 404).

Sujak et al. focus their study to examine whether a drug abuse testing program and drug abuse testing result are confidentiality perceived favorable by new applicants. Their results indicate that a favorable perception response for strong confidentiality procedures in a drug abuse testing program established by an employer are essential for new applicants when seeking employment. New applicants also feel that weak procedures about confidentiality in drug abuse programs lead to an invasion of personal privacy.

The results of these studies lead to the further need to examine this area to determine whether the confidentiality procedure of drug abuse testing is important for both police officers and the Port Authority Police. The Port Authority Police needs to be cognizant of police officers' perceptions when

implementing drug abuse testing policies. Confidentiality procedural laws, not only protect police officers but the Port Authority Police for defamation of character liabilities. Violations of confidentiality erodes the relationship between police officers and the Port Authority Police, whereas abiding, increases mutual understanding of the Port Authority Police hiring drug free police officers and police officers seeking employment that respects their privacy rights.

#### 8. Characteristics of Job and Individuals Affect Employee Perceptions Toward Drug Abuse Testing

Bereman et al. conducted two studies at a Midwestern university and examines the characteristics of job and individuals affected employees' perceptions of a drug abuse testing policy. The purpose of the second study was to replicate the first study. The first study was to examine demographic variables and the second was to examine the characteristics of the student sample. They hypothesize that if a job has a safety impact on an employee, respondents would be more willing to accept drug abuse testing, a job that requires interdependence, respondents are more willing to accept drug abuse testing, older respondents were more willing to accept drug testing, and female respondents were more willing to accept drug abuse testing. The results of the first study indicate that job characteristics, job impact and job interdependence, failed to have a significant

effect on perceptions toward drug abuse testing. In the second study, the results indicate that women experience higher favorable perceptions toward drug abuse testing than men. And, older employees have less favorable perceptions of the drug abuse testing policy.

According to Crant and Bateman 1989, they indicate that drug abuse testing policies are perceived fair when employees believe their safety and that of the public is impacted by drug abuse. The potential harm to employees and the public generate favorable perception responses to drug abuse testing policies (Murphy et al. 1990). According to Latessa et al., a "considerable consensus exist that testing is appropriate where employee impairment jeopardizes public safety or perhaps tarnishes the public trust accorded to an occupation group (e.g., as in the case of a police officer)" (Latessa et al. 1988, 390).

Bereman et al. and Crant and Bateman 1989, also suggest that demographic characteristics such as age, sex, race, educational level, and employment longevity also have an impact regarding drug abuse testing policies. In Normand et al. 1990 longitudinal study, they conclude that "pre-employment drug test does provide information that contributes significantly to the prediction of outcomes" (Normand et al. 1990, 637). Also, "demographic characteristics influence employee responses to drug testing," as

in police when they are in contact with direct life experience in the workplace, making them more tolerant of drug abuse testing policies (Crant and Bateman 1989, 180). Latessa et al. and Crant and Bateman 1989 agree on the organizational effects such as job safety impact by females and older individuals responding with favorable perceptions toward drug abuse testing policies.

The results of these studies lead to a further need to examine this area to determine whether police job characteristics, job impact, job interdependence, and demographics have a significant effect on perceptions toward drug abuse testing.

#### 9. Accepting or Rejecting Drug Abuse Testing Perceptions

Based on a study conducted by Bennett et al., the authors examine the perceptions of employees and employment characteristics in accepting or rejecting drug abuse testing. These perceptions are from characteristics of employee relationships with drug dependent co-workers about their responsibility for becoming drug abusers and employers' impacted by implementing drug abuse testing policies. Employers implemented drug abuse policies to reduce negative employees' behavioral problems such as high absenteeism, employee turnover, lawsuits, accidents, injuries, and negative image to the organization. These behavioral problems are considered more important than changing their behavior resulting from the drug

abuse testing policy (Crant and Bateman 1990). Employees seek employment in non-drug abuse testing organizations because they feel that working with drug abuse testing organizations display distrust, violation of their privacy, control by the organization, and change of their lifestyles. Favorable perceptions in drug abuse testing exist when employers provide rehabilitative treatment to those testing positive and diminish favorable perceptions when employers provide punitive damages for testing positive as in job termination (Stone and Koch 1989, and Crant and Bateman 1990). And, employees possessing higher levels of education are less supportive for drug abuse testing (Blum et al. 1989).

The results of Bennett et al. study, indicate that the majority of responders' perceptions agree with a greater favorable perception responses for drug abuse than drug abuse testing, agree that employers should invest in education about drug abuse, older and higher educated employees agree to drug abuse testing of current employees, and younger responders disagree to current employee drug abuse testing.

The results of these studies lead to a need to examine this area to determine whether accepting or rejecting drug abuse testing policies depend on the results from police officers' relationships with those who abused drugs in the past. Police

officers have been known to have experimented with drug abuse before becoming police officers. Police officers favors police organizations with educational drug abuse rehabilitative programs consequences than with job termination drug testing consequences.

#### 10. Unionized Members and Drug Abuse Testing Perceptions

Based on a study conducted by LeRoy, the author examines how perceptions impact union members subjected to drug abuse testing and whether the existence of a drug abuse testing programs is associated to perceptions concerning drug abuse testing. According to LeRoy, unionized employees in the public sector are found to be more supportive of drug abuse testing, as a result of the more direct contacts with the public, concerns about their judgment impairment performance, and serious consequences in decision making. Drug abuse testing is mandatory and part of collective bargaining negotiations upheld in 1989 by two National Labor Relations Board decisions: The Star Tribune and The Newspaper Guild of the Twin Cities and the Johnson-Bateman Company and International Association of Machinist and Aerospace Workers. According to Seeber and Lehman, little research has been conducted on the impact of drug testing on union members.

The results of LeRoy's study indicate that union members in both drug abuse testing policy and non-drug abuse testing policy

settings have similar perceptions about drug abuse testing. In drug abuse testing for probable cause, random testing, and job termination for positive drug abuse testing incidents, union members in drug abuse testing settings have more unfavorable perceptions than non-drug abuse testing union members. However, limited drug abuse testing for both setting is highly favorable for all union members.

The results of these studies lead to a need to examine this area to determine whether police union members trust unions and normally abide by the conditions set forth by its leaders. During labor negotiations, police organizations bring to the table policies and changes in employees work environment, as well as when the Port Authority Police did with the mandate of a drug abuse testing policy.

#### 11. Private Sector Managers' Perceptions toward Drug Abuse Policies

Based on a study by Kohut and Geurin, the authors examine perceptions of private sector employee managers from the Fortune 500 toward drug abuse testing policies. Their study of managers,' experienced unfavorable perceptions from employees regarding privacy invasions, drug abuse testing inaccuracies, confusion about the clarity of the policies, dissemination method used to inform employees about the policy, and types of implementation procedures which led to the drug abuse testing

policy. According to them, drug abused employees are inclined to be more absent, experience more accidents, are sicker, and file more compensation claims than the average worker. There is a need to implement drug abuse testing policies because of productivity losses, increased healthcare cost, and job safety concerns (Sonnenklar 1986). Businesses are stuck in "a balancing act between protecting employees' privacy, running their own businesses, and keeping good relationships with other organizations" (Cook, 1987, 60). Kohut and Geurin state that companies have been known to encourage employees to report on each other, causing morale issues. And, companies are concerned with drug abuse testing inaccuracy results.

Drug testing policies are created as a result of public attention in "an emotionally charged atmosphere rather than spending the time necessary to develop carefully considered strategies which creates additional problems by opening themselves up to lawsuits" (Kohut and Geurin 1991, 495). Masi states that the rationale for drug abuse testing policies are workplace safety, job impairment, public safety, workplace morale, and public trust. Safeguards in drug abuse testing accuracy results are established and its confidentiality maintained (Petersen 1987). Kohut and Geurin also raises the arguments about the confusion of unclear of drug abuse testing

policies and the methods used to inform employees about the drug abuse testing policy. This leads to perceptions by employees during the implementation of drug abuse testing policies.

The results of the study conducted by Kohut and Geurin indicate that the majority of respondents have favorable perceptions about their drug abuse testing policy, drug abuse testing policies address the drug problem in the workplace, Employee Assistance Programs (EAP) are beneficial, and new job applicants are informed of the drug abuse testing policy. The study also indicates that the majority of respondents have unfavorable perceptions on the clarity of the drug abuse testing and on drug testing inaccuracy results.

The results of these studies lead to a further need to examine this area to determine whether public employers are stuck in "balancing act between protecting employees privacy rights, running their organizations, and keeping a good relationship with other organizations" that may seek to encourage employees to report on each others' causing low morale in the workplaces (Cook 1987, 60). Implementing "emotional charged" drug policies, unclear drug testing policies, and utilizing the method used to inform employees about drug testing policies create problems and potential lawsuits (Kohut and Geurin 1991, 495).

## E. Summary

Numerous themes are found in the literature review which indicates for the need to research the topic further along the lines of this study (Cresswell 2003). There is specific deficiency in the past literature regarding perceptions of police officers' perceptions responses to drug abuse testing policies. The literature reveals a number of studies and variables applicable to perceptions. The intention of this study is to seek a relationship to impacted variables that lead to perceptions by police officers. This relationship provides a solid foundation, as well as setting the standards for other areas of study for future research.

The literature review begins by addressing the implementation theoretical framework. This section begins with the main premises of the theoretical value from Pressman and Wildavsky and Mazmanian and Sabatier. Pressman and Wildavsky view policy implementation as depended on numerous actors, such as Port Authority police officers who as a result, experience numerous perceptions on the implementation of a drug abuse testing policy which affects them, somewhere, and sometimes. They also enlightened the potential problems for implementers which is not whether implementers conform to the policy but whether the implementation affect the consensus on the goals of

the policy by police officers. Mazmanian and Sabatier premise is similar in principle, as private actors in target groups are the "principal beneficiaries of a program and they are more likely concerned with whether the results of the program make any real differences in their lives" (Mazmanian and Sabatier 1989, 12). This study addresses that the problem with the Port Authority Police drug abuse testing policy is not the policy, but how it was implemented.

O'Toole and Montjoy presents a number of inducements needed for a successful policy implementation. For example, "cooperation is derived from a sense of duty, common interest in the cooperation of participant values, and exchange cooperation to receive in return for something other than achievement of the goals" (O'Toole and Montjoy 1984, 492). The Port Authority Police cooperation and participation in the common interest for all is that in the implementation of a drug abuse testing policy, participation and cooperation needed to be synchronized "in a coordinated fashion" (O'Toole and Montjoy 1984, 492). Police officers "contribute to a common interest in a coordinated fashion, at the right time and in the right amount, to achieve the mutual coordination" (Pressman and Wildavsky 1984, 133).

According to McLaughlin, implementation requires a "balance of pressure and support" between both the Port Authority Police

and police officers (McLaughlin 1987, 173). The lack of "support, incentive, or constraints exist to influence" the motivation toward police officers (McLaughlin 1987, 175). In the words of Bardach, both the Port Authority Police and police officers must "act within the context of expectations that something happens that allows at least a passing resemblance to whatever is mandated by the initial policy decision" (Bardach 1977, 43).

A better idea is the bottoms-up policy implementation which depends more on the skills of police officers' strategic interactions over time and the understanding of the interaction of the actors (Hanf et al. 1978). In the end, it is the will, attitudes, motivation, and beliefs exercised that inspire the Port Authority Police and police officers' responses toward the goals and strategies set forth in the policy that produces a fair drug abuse testing policy (McLaughlin 1987). It is in these areas of concerns, as indicated by Pressman and Wildavsky, Mazmanian and Sabatier, O'Toole and Montjoy, McLaughlin, Bardach, and Hanf et al that this study is conducted. The problem of drugs in society has broken down into several interrelated components: drug production, overseas and in the U.S., drug distribution, drug abuse or consumption and violence, and financial criminality associated with drugs. Each of these

components affects police in various ways. Police drug abuse in police departments, at so many levels of government, faces this problem which is no longer an isolated problem.

The official documents in this literature review indicate the encouragement of police departments, such as the Port Authority Police, to adapt to the drug abuse testing mandate and comply with it. This unobtrusive source of information was obtained by the researcher while working as a police officer for the Port Authority Police from 1980-2000. Some of these documents are unavailable to the public and only accessible to those employed by the Port Authority Police. The researcher gives attention to compiling this literature to better illustrate the foundation of the Port Authority Police drug abuse testing policy, procedure, and implementation of the policy. Referencing these official documents represent the principal step to interview the Port Authority Police administrator charged with the execution of the drug abuse testing policy to determine the manner in which the drug abuse testing policy is executed. This also provides a better understanding of the current status of the drug abuse testing policy after 14 years of implementation.

The following drug abuse testing policy studies highlight independent and dependent variables in different workplace settings and captures major themes used in this study. These

studies, in relation to this study, suggest the need for more research on this topic. Some of these studies contain strengths which provide incentives for further theoretical research. The researcher used these studies to develop a theory for each study of inquiry to develop dependent variables to the independent variable related to the research question. All of these theories are examined in the questionnaire survey.

Evans et al. examines students' fairness perceptions of a mandated drug abuse testing policy at a High School. Their findings indicate that the drug abuse testing policies reduces drug abuse.

Paronto et al. examines perceptions associated with drug abusers and their perceptions toward drug abuse testing. This association is related to the effects of job safety sensitivity on perceptions toward drug abuse testing and drug treatment. Their results indicate that drug abusers and their perception toward drug abuse testing are unfavorable toward drug testing and drug abuse treatment is favorably perceived.

Truxillo et al. examines the fairness perceptions and effects of organizational drug testing consequences by past drug abusers. Their findings indicate that past drug abusers have less favorable perceptions to drug abuse testing than those who

never abused drugs and favorably perceive rehabilitative drug abuse testing consequences for testing positive.

According to Moore et al., the authors examines the correlation between drug abuse testing perceptions and work related variables such as decision making, worker participation, and employee ownership (what the researcher refers to as a sense of belonging). Their results indicate that drug abuse testing policy perceptions are more favorable when employees are familiar with the drug abuse testing policy and in areas where there is a "greater vested interests in the organization designed to protect themselves and others, to increase productivity, reduce accidents, and so on" (Moore et al. 1998, 136).

Bennett and Lehman examine how perceptions of drug abuse testing policy from personal and situational factors are determined. Their findings indicate that these factors are crystallized based on Jones and Davis, Beattie et al. and Murphy et al. 1990 findings. Employee perceptions becomes crystallized; "when the policy is relevant to employee comfort and productivity" (Bennett and Lehman 1996, 833) or as, according to Jones and Davis concept of a "hedonic relevance" which is a "function of its motivational significance for the perceiver" (Jones and Davis 1965, 237), as when there is no impact on non-drug abusing employees who are exposed to drug abusing co-workers

(Beattie et al.) and "when the policy may be a direct concern or threat to the employee" (Bennett and Lehman 1996, 833) or as, according to Jones and Davis concept of "personalism which distinguishes between the choices which are conceivably affected by the presence of the perceiver and choices which are not conceivably so affected" (Jones and Davis 1965, 247) as when "applicants may have invested little in a job for which they are rejected, while employees may perceive a dismissal as a great personal loss" (Murphy et al. 1990, 629).

In Comer and Buda, the authors examine the problems that exist with the inability for urinalysis drug abuse testing to detect employee performance impairment which "leads to negative perceptions and behavior when it is perceived as invasive" (Comer and Buda 1996, 133). The results indicate that the overall response of urinalysis drug abuse testing is the inability to detect employee performance impairment causing unfavorable perceptions of urinalysis drug abuse testing.

According to Sujak et al., the authors examine the effects of drug abuse testing programs and the perception fairness on confidentiality procedure in drug abuse testing to new applicants. Their results indicate that favorable perception fairness responses for strong confidentiality procedures in a

drug abuse program established by an employer were essential for new applicants when seeking employment (Sujak et al. 1995).

Bereman, et al. examines the characteristics of job and individual affecting perceptions of drug abuse testing. Characteristics of the job are workplace safety and impact on the potential impact on public safety. Individual differences are age, sex, ethnicity, educational level, and work longevity with employer. Their findings indicate that job characteristics and individual differences fail to have significant effect on perceptions toward drug abuse testing.

Based on a study by Bennett et al., the authors examine the perception of employees and employment characteristics in accepting or rejecting drug abuse testing. Employee characteristics are the relationship between non-drug abusers and drug abusers and their lack of responsibilities for becoming drug abusers. Their results indicate favorable perceptions toward treating drug abuse more important than drug abuse testing and employers should invest in drug abuse treatment programs.

LeRoy examines perceptions impacts of union members subjected to drug abuse testing policies and whether the existence of a drug abuse testing policy is associated to perceptions concerning drug abuse testing. The result of the study indicate that both union members in drug abuse testing

policies and union members in non-drug testing settings have similar perceptions about drug abuse testing.

Based on a study by Kohut and Geurin, the authors examine perceptions of private sector employee managers from the Fortune 500 toward drug abuse testing policies. Their study of managers' experience unfavorable perceptions from employees regarding privacy invasions, drug abuse testing accuracies, confusion about the clarity of the policies, method used to inform employees about the policy, and the type of implementation procedures which leads to employee unfavorable perceptions in drug abuse testing. The study results indicate that the majority of respondents have favorable perceptions in their drug abuse testing policy, their drug abuse testing policy addresses the drug problem in their companies, Employee Assistance Programs (EAP) are beneficial, and new job applicants are informed of the drug abuse testing policy. The study also indicates that the majority of respondents have unfavorable perceptions on the clarity of the drug abuse testing and on drug testing accuracy results.

## Method

### A. Research Strategy

The complexities of and review of the literature on police drug abuse testing policy suggest that some police officers' perceptions are led by the perception of fairness of drug abuse testing. Consequently, what count for most of the evidence or data generated in this study is how police officers and officials perceive and act on these policies? However, a mixed methods research strategy in this study offers the opportunity to interrelate the police administrator charged with the execution of the drug abuse testing policy interview with police officers' survey with official records. This method "expands an understanding from one method to another and converge findings from different source" (Cresswell 2003, 210). The advantages of a mixed methods are that the police administrator's interview adds meaning and depth to the responses from police officers' surveys, clarity and precision to improving the researcher's ability to answer a greater range of subsidiary research questions and improve validity and reliability, and examines police officers' perceptions of the mandated drug abuse testing policy for a more complete knowledge (Kraska and Neuman 2008).

The data obtained for this study are the responses from police officers' surveys, the police administrator's interview, and a variety of theoretical frameworks established from the literature review to determine police officers' perceptions fairness of the drug abuse testing policy. From the demographic variables found in the questionnaire survey, age, levels of education, gender, longevity at work, ethnicity, PBA membership, and awareness of the drug abuse testing policy in the workplace, play a major part in analyzing the data. The data obtained from the police administrator's interview also attempts to determine police officers' perception fairness of the drug abuse testing policy. These variables intervene with the survey which generates an accurate analysis of the police officers perceptions fairness of the drug abuse testing policy. The researcher looks at consistencies, frequencies, relationships, averaging, and compares the answers to the research question to generate the police officers' perceptions fairness of the drug abuse testing policy. Once this data is collected, the researcher performs a measure of central tendency, dispersion for demographic information, various tests of relationships between the independent and dependent variables, and content analysis for the narrative interview.

Employing a mixed method approach allows the researcher to collect extensive data to better examine police officers' perception fairness of a drug abuse testing policy responses from surveys and a narrative interview involving open-ended and closed-ended questions from a police administrator. The data analysis results from these surveys are made through the Statistical Package for Social Sciences (SPSS) version 18.0. The survey is accessible to police officers through [www.qualtrics.com](http://www.qualtrics.com), a computer web based survey tool, which includes demographic and personal and situational factors' questions in the police organization regarding drug abuse testing. Triangulating and cross-referencing the results from both analyses generate comprehensive results from the police administrator and police officers which develop a more robust and dynamic insights into police perceptions of drug abuse testing policies. These insights have the potential to advance drug abuse testing program fairness, as well as efficacy.

#### B. Research Procedures

Data collection criteria and research procedures are an essential component for this mixed method approach. A concurrent qualitative and quantitative data collection is generated from the police administrator charged with executing the drug abuse testing policy and police officers who are impacted by the drug

abuse testing policy. The criteria strategy used for this study includes an implementation, a priority, and integration. The implementation of data collection occurs concurrently skewed toward the quantitative data to determine police officers' perceptions of the drug abuse testing policy which is the foundation of this study. The narrative interview consist of open-ended and closed-ended questions' from the police administrator to determine the administrative history, functional, operational irregularities, knowledge of perceptions of fairness by police officers, and unusual circumstances since the drug abuse testing policy's inception. Quantitative data collection is taken from police officers' surveys that include demographic, personal, and situational factors impacted by drug abuse testing. Some priority is given to the quantitative data collection as its data analysis illustrate the main focus of this study and police officers' perceptions of a drug abuse testing. The data results are integrated in the data analysis and interpreted which transforms themes into quantitative numbers and compare that information with the survey results in the interpretation section (Chapter 5) of this study (Cresswell, 2003). There is no theoretical perspective as a lens of study in this study.

The research strategy, concurrent triangulation strategy, is used "to confirm, cross-validate, and corroborate the findings" in this study (Creswell 2003, 217). The principal method that guides this study is the quantitative method. This method counteracts the weaknesses of one method over the strengths of the other in revealing the problem examined in this study regarding police officers' perceptions of drug abuse testing. This approach attest and corroborate the literature review to enlighten police administrators and police officers impacted by drug abuse testing through questions from the subsidiary research question. This strategy seeks data from the data collected and provides a broader perception enriching the examination of the study sample and the problem. This strategy also provides some aspects of the narrative interview that the quantitative data collected is unable to provide. The concurrent triangulation strategy allows the examination of the police administrator's narrative interview answers regarding the drug abuse testing policy, who has a higher police ranking level in the structure of the police organizational hierarchy, and police officers' survey responses combining the findings to strengthen the knowledge claim of this study (Creswell, 2003). The data collected is mixed in the data analysis and interpreted in the

interpretation section (Chapter 5). Figure 3.1 illustrate the strategy.

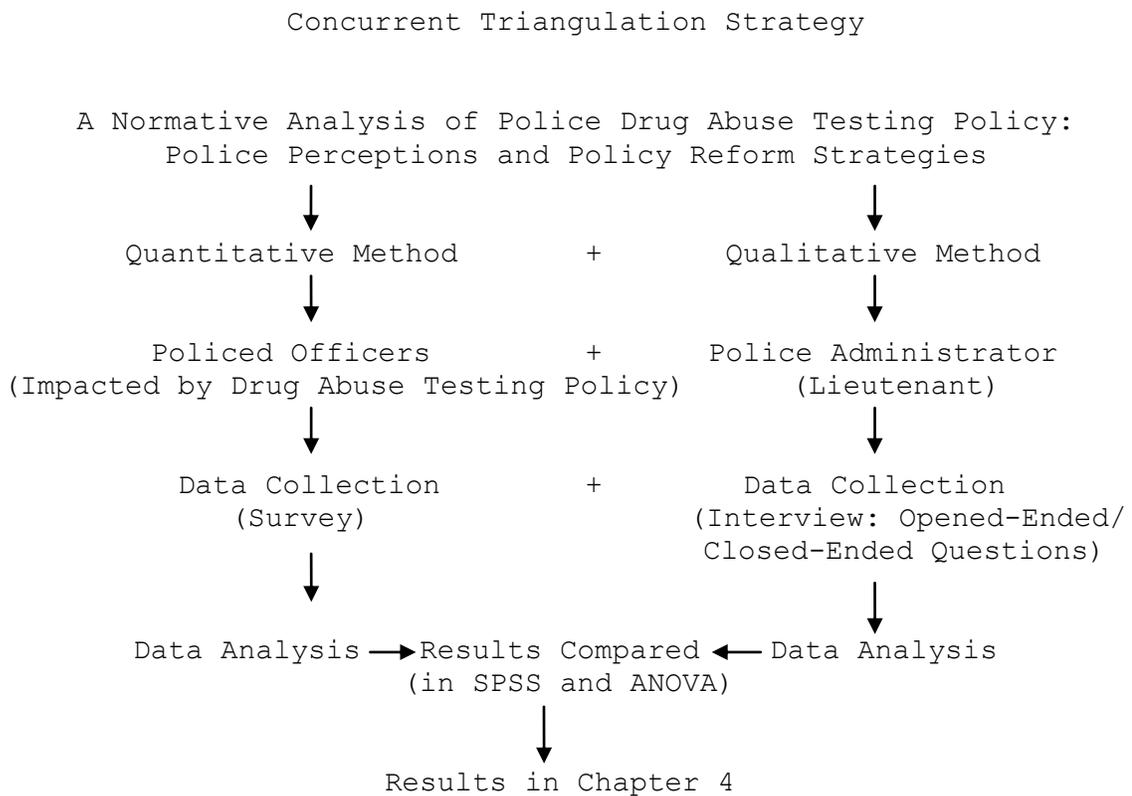


Figure 3.1: Visual Model for Mixed Methods of Data Collection

### C. Role of the Researcher

This study's researcher retired from the Port Authority Police of New York and New Jersey after twenty years of police service (1980-2000). During this tenured, the researcher

established long-term close relationship with colleagues in the police organization and developed respect, trust, confidence, and professional courtesy. This respect, trust, confidence, and professional courtesy grows as a result of possessing special powers and authority in a unique culture with specific attitudes, values, and beliefs (Kappeler et al. 1998). Relationships established by the researcher in the police organization are long term and continue after retirement which brings camaraderie among all police officers. This relationship is advantageous in this study diminishing biased validity or marginalization in the results. Although, there is a strong relationship with strong mutual cooperation between the researcher, the police administrator charged with the execution of the drug abuse testing policy, and the sample, some bias exist on behalf of the researcher who interjects personal knowledge that leads to predictive outcomes during the data analysis and interpretive recommendations. In an effort to separate from coloring this study, the researcher's retirement of over ten years ago and the fact that the overwhelming sample of respondents have less than ten years of longevity, provides an unbiased and reliable relationship between the researcher and respondents. However, the methodology used in this research goes to maximize in assuring that any significance bias is minimized. Care is taken

to formulate balanced questions to avoid foregone or subtle conclusions or opinions.

Pre-existing relationships established in the workplace and co-workers are viewed as backyard research that is necessary which introduces strategic, ethical, and personal issues into the study (Cresswell 2003). Seeking information from the police, the administrator and participant police officers, does not compromise obtained data since the researcher is familiar and understand the police organization and participants. Intact ethical and integrity factors are professionally displayed in this study in developing similar perceptions from the drug abuse testing policy experiences by the researcher, participant police officers, and the police administrator.

#### D. Survey Design

The purpose of the survey design for this cross-sectional mixed method study is to use approximately 10 percent (n=150) of the total population of the Port Authority Police of New York and New Jersey to infer an analysis of police officers' perceptions of fairness of a drug abuse testing policy. This preferred type of design is based on the economical and rapid response. The advantages for this type of design are to identify the attributes from the sample to the larger Port Authority Police population. The sample "produces an overall sampling in which every element

in the whole population has the same probability of selection” (Babbie 1983, 171). The sample of 150 police officers is obtained from a total population of 1397 police officers which yields approximately 10 percent of the total police officers population. The Central Limit Theorem explains the frequency of a normal probability distribution. The total of variables (total population of police officers) represents a partial attractor (sample) of the distribution (Voit 2003). For example, according to Billingsley, as the sample sizes increases, the distribution of the sample averages reaching a normal distribution (Billingsley 1995)

The Port Authority Police of New York and New Jersey is a 1718 police force with 1397 police officers from which the researcher retired after twenty-years of service. The selected sample is obtained through volunteered participation. The sample design is single-stage in which the researcher has access to participants. The sample for this study is not stratified. There is minimum risk of any police officer being identified. All police officers are contacted by the researcher through a posted flier (Appendix K) approved by the Port Authority of New York and New Jersey (Appendix M) and the Port Authority Police Benevolent Association (Appendix I) to voluntarily participate in the study. The flier directs them to the website associated with

the study,

[http://snhu.qualtrics.com//SE?SID=SV\\_9Re6Q95QPywgxh2&SVID=Prod](http://snhu.qualtrics.com//SE?SID=SV_9Re6Q95QPywgxh2&SVID=Prod)

with the password, PAPD. The flier is posted at each Port Authority Police Command (13 Commands in New York and New Jersey) encouraging police officers to voluntarily complete the survey.

At the website, an informed consent form appears at the top of the questionnaire and is to be acknowledged by police officers by a yes or no answer, as to whether they have read, understood, and consented to the survey before answering the survey. The police administrator charged with the execution of the drug abuse testing policy is contacted by the researcher and interviewed in person by the use of open-ended and closed-ended questions (Appendix L) in his office. An informed consent form is signed by the administrator before the interview begins and has the opportunity to review the notes taken. The interview is not taped (Appendix L).

The survey request information on demographics, personal, and job related situational information from drug abuse testing policy impacted police officers, which is analyzed through the Statistical Package for Social Sciences (SPSS) version 18.0. The open-ended and closed-ended narrative interview is administered at the Port Authority Police Headquarters in Jersey City, New Jersey requesting information on the history, functionality,

operational irregularities, knowledge of perceptions from police officers, and unusual circumstances experiences from the drug abuse testing policy (Appendix L). The general direction of the setting for the stories and construction from the police administrator provides a clear qualitative picture of analysis about the drug abuse testing policy from the administrative perspective.

#### E. Design of Survey Instruments in the Research Design

The surveys are designed by the researcher and are called the Police Officer Questionnaire Survey (Appendix K) and the Police Administrator Structured Interview Questions (Appendix L). The survey utilizes a continuous scale of a Likert scaled instrument that allows for a better understanding of the range of police officers' perceptions fairness of the mandated drug abuse testing policy implementation. The narrative instrument used for the police administrator includes numerous open-ended and closed-ended interview questions (Appendix L). The survey reflects the following subsidiary research questions: Do you believe the Port Authority Police drug abuse testing policy is fair in potentially reducing drug abuse? Do you believe it is important for police officers to participate in the design and implementation of the drug abuse testing policy? Do you believe it is important to have a sense of belonging to the police organization? Do you

believe that it is important to have a clear drug abuse testing policy? Do you believe it is important to have a fully understood drug abuse testing policy? Do you believe it is important to have a well disseminated drug abuse testing policy? Do you believe it is important to be familiar with a personal/situational job factors crystallized awareness of the police drug abuse policy? Do you believe it is important to be aware of the existence of the drug abuse testing policy in the workplace?

The pilot testing for the survey contains provisions for a "peer debriefing to enhance the accuracy" of the study (Creswell 2003, 196). This "peer" and participant debriefing is conducted by a number of retired police officers who, as the researcher, experienced the drug abuse testing policy and displayed a common interest in the finding results of this study. These police officers and past researcher's co-workers are familiar with the researcher's interest about the Port Authority Police drug abuse testing policy and presents similar viewpoints as the researcher. These interests and similar viewpoints inspired the researcher to conduct this study.

#### F. Data Collection and Recording

The survey and narrative interview data collected is carefully recorded and stored for analysis. For the qualitative

data, the researcher conducts a narrative interview with the police administrator charged with the execution of the drug abuse testing policy. The interview takes place at the Port Authority Police of New York and New Jersey Headquarters, Jersey City, New Jersey. Data recording is conducted by gathering data by regular notepad for descriptive notes, demographic information, reflective notes about participant's biography, and from open-ended and closed-ended structured questions in his office. The note pad and information written is secured for after six months of the study's completion when they will be destroyed. No audio recording equipment is used, as in police recording interviews or conversations are considered inappropriate and sometimes suspicious. Police officers by nature are suspicious and uncomfortable whenever conversations are recorded. The researcher, a former police officer, also felt uncomfortable and suspicious during taped conversation unless it was under an official capacity such as in criminal investigations, legal statements, testifying before courts, or giving depositions.

The primary source of literature used is from relevant drug abuse testing policy studies conducted from 1991 - 2006 with similar variables used in this study. The secondary source of literature used is from historical public official documents (Appendix A and B), state mandated drug abuse testing policy to

police departments (Appendix C), Port Authority Police Benevolent Association (PBA) agreed documents with the Port Authority Police about the drug abuse testing policy (Appendix D1 and D2), as well as other official available documents. The third source of literature used is from the narrative interview of the police administrator charged with the execution of the drug abuse testing policy information.

The mixed method of data collection is a concurrent approach of collecting data simultaneously that provides a better understanding of the research problem. According to Creswell, the researcher can generalize the findings to a police sample and develop a detailed view of the meaning of police officers' perceptions of a mandated drug abuse testing policy phenomenon. Figure 3.1 illustrated a visual model of the mixed methods of data collection. The quantitative data collected is examined and compared/contrasted through the Statistical Package for the Social Sciences (SPSS) version 18.0 statistical data analysis computer software. The narrative interview data analysis is also examined and compared/contrasted to the survey results.

#### G. Data Analysis

The data analysis is related to the concurrent triangulation strategy that seeks to "confirmed, cross validation, and corroborated" the study findings (Creswell 2003,

217). The quantitative data analysis for the study is conducted through the Statistical Package for the Social Sciences (SPSS) version 18.0 which is the primary data management statistical data analysis software.

As part of the data analysis, the researcher indicates the number of participants who access and responds to the survey, discusses the method and procedure use for response biases, discusses a descriptive analysis for all independent and dependent variables including means, standard deviations, range of scores for these variables, identifies the statistical procedure used for the instrument of data collection, and discusses the reliability checks for internal consistency of the scales.

The researcher also identifies that the SPSS computer program is used to test the research questions, provides a rationale for the choice of statistical test and its assumptions associated with the statistics, identifies the number of independent and dependent variables and the number of covariates, and discusses the measurement of the variables and the type of distributions scores that affects the statistical test (Creswell 2003).

In the narrative interview data analysis, the interview is transcribed to facilitate the organization of the data into

relevant themes, as well as to develop these themes so as to obtain a general sense of the information that reflects the overall meanings, in the interview. Moreover, the data is coded according to themes and a description of how themes are represented in the narrative and interprets the meaning of the data provided.

The findings from the quantitative methods are more substantial and more dynamically relevant to the research question than most of the data obtained from the narrative interview. The quantitative data findings presents a stronger descriptive and inferential numeric analysis than the narrative interview method findings, as the quantitative findings produces useful responses to the subsidiary research questions, relative to the research problem examined, and provides the essence of the study of police officers' perceptions fairness of a mandated drug abuse testing policy.

Whereas, the narrative interview findings provide a descriptive thematic analysis with a better sense of the history that lead to the implementation of the drug abuse testing policy, a status of the current functions of the drug testing policy, identifies some of the irregularities such as the inability to randomly test police officers who are not on-duty as a result of being sick, injured, day off, on vacation, suspended for related

or unrelated drug abuse incidents, assigned to other law enforcement agencies, knowledge of perceptions of police officers impacted by the drug abuse testing policy, knowledge of those who refused to be tested, and unusual circumstances such as the inability to test as a result of the computer random process not properly functioning. The narrative interview findings also provides useful responses to a number of inferred subsidiary research questions such as what are the goals of the drug abuse testing policy, how much participation in the design and implementation of the drug abuse testing policy is placed by the PBA, the lack of educational drug programs, and known circumstances that lead to police officers' perceptions of the drug abuse testing policy, as well as any other relative comments made and expanded by the Port Authority Police.

The narrative interview data collection involves transcribing the interview. This narrative interview provides a general sense of reflection about the drug abuse testing policy. The overall meaning centers on the research problem in how the implementation of the drug testing policy affects police officers' perceptions fairness of a mandated drug abuse testing policy. The relationship of the narrative interview data analysis to the concurrent triangulation strategy allows the researcher to transform this data into quantifiable data.

The researcher suspects two potential explanations of police officers' perceptions fairness of the drug abuse testing policy. One explanation is that police officers are not allowed to participate in the design and implementation of the drug abuse testing policy, and as a result, lack a sense of sense of belonging to the police organization. The second explanation is that police officers fail to have a clear, understood, and well disseminated drug abuse testing policy causing a lack rationale for the drug abuse testing policy execution in which they failed to become "crystallized" in personal and situational factors leading to perceptions of fairness. These findings provide an administrative approach to drug abuse testing for future police administrators seeking to implement or modify existing drug abuse testing policies.

#### H. Data Analysis Strategy

The selection of the independent and dependent variables are influenced by the theories derived from the literature review, particularly in normative analysis and policy implementation theory. The independent variable is both the content of and modes or methods of implementing the drug abuse policy. Police perceptions are the dependent variables. Other impacts are likely to be intervening variables. Police officers' responses are compared and contrasted demographically to

determine whether age, gender, ethnicity, education, longevity, awareness of existing drug policy in the workplace, and PBA membership have an effect in police officers' perceptions by the drug abuse testing policy. The police administrator's narrative responses are examined to evaluate the administrative history, functional, operational irregularities, any knowledge of perceptions of police officers, and unusual circumstances since the drug abuse testing policy's inception to determine why and how police officers perceptions are affected by the drug abuse testing policy. The dependent variables are based on the subsidiary research question to identify police officers' perceptions fairness of a mandated drug abuse testing policy in reducing drug abuse, the importance of participation in the design and implementation, the importance of a sense of belonging, the importance of having a clear, understood, and well disseminated policy, and the importance of having a personal and job related situational "crystallized" factors of the drug abuse testing policy.

#### I. Validity Threats

Validity threats can have an impact in the integrity of this study. According to Creswell, if validity threats are raised, they could have an impact on the credibility of the study. All steps are taken to eliminate potential validity

threats that could potentially compromise the integrity of this study. In an effort to minimize potential internal validity threats, a question is included in the survey instrument to determine whether participants have spoken to other participants and whether these conversations have an effect in their perceptions of the drug abuse testing policy. No external validity threats occur as a result of the survey responses which indicate that the majority of respondents in the sample have ten or fewer years in longevity and the researcher had no previous working experiences with them. Moreover, the police administrator is unknown to the researcher, and the results of a pilot testing of retired police officers who experienced similar drug abuse testing perceptions are not associated with the sample. Police officers in the police organization are the only sample that is utilized in this study. Efforts to guard against potential statistical conclusion and construct validity threats are taken during the interpretation of the data collected. In furthering the elimination of potential validity threats, triangulating the data occurs which builds a coherent justification of the themes and researcher's biases are clarified by utilizing members checking or debriefers such as retired police officers, and who share similar concerns about the drug abuse testing policy.

## J. Summary

It is the intention of the study to present an objective clear and well understood account of the examination findings in the phenomenology of police officers' perceptions fairness of a mandated drug abuse testing policy findings. These examination findings are compared, contrasted, evaluated, in relation to the more quantitatively based survey results.

The narrative interview data collected evolved from the researcher's immersion of the participants' characteristics of their practical and professional lives while protecting their identities. This immersion reveals a rich and extensive narrative descriptive analysis of the police administrator's official responsibilities in administrating the drug abuse testing policy, as well as police officers' perceptions toward the drug abuse testing policy. In an effort to make certain the findings replicate their response, direct quotations from participants, as well as using metaphors in the interpretations of participants' conversations, the researcher presents an intertwined sense of understanding and clarification of the research problem. The researcher anticipates that a number of these quotations contained police language that is interpreted during the interpretation section of this study.

The survey data collected solely depends on the sample responses, take into account the police administrator's narrative interview, a descriptive analysis of means and standard deviation scores for all independent and dependent variables, the sample, and the steps taken to minimize biases and increase validity and reliability.

This mixed methods approach presents a thorough understanding of the research problem from both the police administrator and police officers impacted by the drug abuse testing policy. According to the researcher, a retired police officer impacted by the drug abuse testing policy and his working experiences with other police officers with similar reactions to the Port Authority Police drug abuse testing policy, left no area on police drug abuse testing policy untouched, so as to reveal a full account of the many issues experienced and brought forth an appropriate understanding of the drug abuse testing policy to police officers and a fair drug abuse testing policy for police administrators to modify or implement in the future. It is also the intention of the researcher to spark further interest in this specific subject matter for future researchers to contribute and delve into similar areas of study.

## Results

As stated in Chapter 1, the study reported here examines the phenomenon of perceptions of police officers regarding fairness of a mandated drug abuse testing policy. In developing a meaning for this phenomenon, a mixed methods approach is used, through the use of a concurrent quantitative survey instrument from police officers and a qualitative narrative interview from the police administrator responsible in executing the Port Authority Police drug abuse testing policy is used to provide a better understanding of the research problem. The researcher examines the consistencies, frequencies, relationships, averaging, and compares the answers to the research questions to generate the fairness perceptions by police officers of the drug abuse testing policy. This examination is conducted by measures of central tendencies, dispersion of demographic information, various tests of relationships between the independent and dependent variables, and content analysis of the narrative interview. This chapter is organized in terms of the two specific research questions posed in Chapter 1, what are the perceptions of police officers regarding the fairness of a mandated drug abuse testing policy? And, does a lack of sense of belonging in the police organization and participation in the

design and implementation have an impact regarding the fairness of a mandated drug abuse testing policy? It first reports the descriptive perceptions of fairness predictor items and then examines the descriptive characteristics of the sample to the perceptions of fairness predictor items.

#### A. Demographic Characteristics of the Port Authority Police Sample

Table 4.1 provides a descriptive overview result of the demographics for this study. The sample use in this study includes 150 police officers out of 1397 from the Port Authority Police. The researcher decided that the random sample addresses a 10% threshold that can be added to in case of unusual circumstances during the collection of data. The age range of these police officers is comprised of 82% who are 21-40 years old and 18% who are 41-60+ years old. The educational level is comprised of 34% who have less than a Bachelor's Degree and 66% who have completed a Bachelor's Degree or higher. The ethnic make-up is comprised of 59% Caucasian and 41% of Non-Caucasian. The gender sample of these police officers is 83% male and 17% female. In measuring the central tendencies of respondents for this data; the age is 21-40 (82%), the gender majority is male (83%), the ethnic majority is Caucasian (59%), and the educational level of the majority have a Bachelor's Degree or higher (66%).

Table 4.1 Descriptive Demographic Characteristics of the Port Authority Police Sample

Total Sample: N = 150 (100%)

Age

21-40	41-60+
124 (83%)	26 (18%)

Gender

Male	Female
124 (83%)	26 (18%)

Ethnicity

Caucasian	Non-Caucasian
89 (59%)	61 (41%)

Education

Less Than a Bachelor's Degree	Bachelor's Degree or Higher
51 (34%)	99 (66%)

B. Characteristics of the Port Authority Police Sample on Drug Abuse Testing Policy Awareness

Table 4.2 provides a descriptive overview result of the responses of the Port Authority Police on their awareness of the drug abuse testing policy in the workplace for this study. The awareness of the existence of the Port Authority Police drug abuse testing policy is comprised of 87% being aware and 13% not being aware. In relation to the central question, this analysis confirms that the majority of respondents are aware that the drug abuse testing policy does exist collaborating the findings of this study that the drug abuse testing policy in itself is fair.

Table 4.2 Descriptive Characteristics of the Port Authority Police Sample on Awareness of Existing Drug Abuse Testing Policy in the Workplace

Total Sample: N = 150 (100%)

Yes	No
130 (87%)	20 (13%)

C. Characteristics of the Port Authority Police Sample on Employment Longevity

Table 4.3 provides a descriptive overview result of the responses of the Port Authority Police on their employment longevity for this study. The employment longevity is comprised of 80% who have 10 years or less and 20% who have 11-20+ years. In relation to the central question, this analysis confirms that the majority of respondents have less than 10 years in employment longevity confirming that the drug abuse testing policy is fair. Police officers with less than 10 years of employment longevity are not, yet considered veterans in policing, as they are considered "rookies" by veteran police officers. This identifying brand correlates with the facts that they are still exercising much of what they learned in the Port Authority Police Academy and not much experience has been attained "on the job" to exercise job experience gained on the streets. The majority of the respondents in this study fall into the category, that what the Port Authority Police has instilled in them through their

training, still “fresh” in their minds causing a lack of veteran judgment to test rules and regulations and exercise a firm belief of their opinion set forth by the Port Authority Police.

Table 4.3 Descriptive Characteristics of the Port Authority Police Sample on Employment Longevity

Total Sample: N = 150 (100%)

Employment Longevity	
0-10 Years	11- 20+ Years
120 (80%)	30 (20 %)

D. Characteristics of the Port Authority Police Sample on Membership in the PBA

Table 4.4 provides a descriptive overview result of the responses of Port Authority Police on their membership in the PBA for this study. The Port Authority PBA membership is comprised of 96% members and 4% non-members. In relation to the central question, this analysis confirms that the majority of respondents are members of the PBA and who relied on their decision on the outcome of the drug abuse testing policy confirming that the drug abuse testing policy is fair.

Table 4.4 Descriptive Characteristics of the Port Authority Police Sample on Membership in the PBA

Total Sample: N = 150 (100%)

Membership in the PBA	
Yes	No
144 (96%)	6 (4%)

#### E. Descriptive Data to Central Research Questions

The central research questions in relation to this study are: what are the perceptions of police officers regarding the fairness of a mandated drug abuse testing policy? And, does a lack of sense of belonging in the police organization and participation in the design and implementation have an impact regarding the fairness of a mandated drug abuse testing policy? A number of subsidiary questions are derived from the central questions to address police officers' perceptions of a mandated drug abuse testing policy and examines how the process is utilized to execute the policy in the Port Authority Police. These key subsidiary questions address police officers' perceptions of policy fairness. The perceptions of fairness predictor items are that police officers believe the existing drug abuse testing policy is fair in potentially reducing drug abuse, that it is important to participate in the design and implementation of the drug abuse testing policy, that it is important to have a sense of belonging to the police organization, that it is important to have a familiarity with personal/job related "crystallized" or firmed awareness of the drug abuse testing policy, so that it does not lead to perceptions, that it is important to have a clear drug abuse testing policy, that it is important to have a fully understood

drug abuse testing policy, that it is important to have a well-disseminated drug abuse testing policy, and that it is important to have an awareness of the existence of the drug abuse testing policy in the workplace.

#### F. Perceptions of Fairness Predictor Items

Table 4.5 displays the percentages of responses to the perceptions of fairness predictor items to the central questions of a mandated drug abuse testing. These perceptions of fairness predictor items reflect the Port Authority Police drug abuse testing policy in reducing drug abuse, the importance of participating in the design and implementation of a drug abuse testing policy, the importance of having a sense of belonging to the police organization, the importance of having a familiarity with a personal/job related "crystallized" or firmed awareness of the drug abuse testing policy, so that it does not lead to perceptions, the importance of having a clear drug abuse testing policy, the importance of having a fully understood drug abuse testing policy, the importance of having a well disseminated drug abuse testing policy, and the importance of the existence of the drug abuse testing policy in the workplace.

The results are that 79% of all police officers agree that the drug abuse testing policy is fair in potentially reducing drug abuse, 81% of all police officers agree of the importance

of participating in the design and implementation of a drug abuse testing policy, 98% of all police officers agree of the importance to have a sense of belonging to the police organization, 92% of all police officers agree of the importance of being familiar with a personal/job related "crystallized" or firmed awareness of the drug abuse testing policy so that it does not lead to perceptions, 100% of all police officers agree of the importance to have a clear drug abuse testing policy, 99% of all police officers agree of the importance to have a fully understood drug abuse testing policy, 91% of all police officers agree of the importance to have a well disseminated drug abuse testing policy, and 87% of all police officer agree of the importance of being aware of the existence of the drug abuse testing policy.

Table 4.5 Percentage of Perception of Fairness Predictor Items

Perceptions of Fairness Predictor Items	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Mean	Standard
Officers... policy is fair	25	54	12	8	1	2.07	0.9
Officers... importance to participate in design and implementation	32	49	13	7	0	1.94	0.85
Officers... importance of sense of belonging	62	36	1	1	0	1.41	0.56
Officers... importance of familiar with personal/job related "crystal-lized" awareness	37	55	7	0	0	1.7	0.6
Perceptions of Fairness Predictor Items	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Mean	Standard
Officers... importance of clear policy	59	41	1	0	0	1.42	0.58

Table 4.5 Percentage of Perception of Fairness Predictor Items

Perceptions of Fairness Predictor Items	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Mean	Standard
Officers... importance of fully understood policy	61	38	1	0	0	1.42	0.58
Officers... importance of well disseminated policy	53	38	8	1	0	1.38	0.7

	Yes	No	Mean	Standard Deviation
Officers... importance of awareness of existence of policy.	87	13	1.3	0.34

#### G. Method of Analysis

A statistic test, Analysis of Variance (ANOVA), was used to better examine differences between groups to provide both the strength and statistical significance of a relationship. This test establishes whether the groups could have occurred by chance. It also determines whether differences between the groups are greater than differences within any of these groups. ANOVA is used by age, ethnicity, gender, and longevity on the

eight perceptions of fairness predictor items of the drug abuse testing policy.

1. Age

Table 4.6 indicates the descriptive analysis of age using a 95% confidence interval. In an effort to compare the two groups, two age intervals are created. These two age intervals are indicated to compare and evaluate whether the difference between the two meanings is statistically significant. These two age intervals are between group 1 (21-40 years old) and group 2 (41-60+ years old) compared to the eight perceptions of fairness predictor items of the drug abuse testing policy which addresses police officers' perceptions policy fairness.

Table 4-6 Descriptive Education ANOVA between Intervals of Less than a Bachelor's Degree and Bachelor Degree and Higher

Perceptions of Fairness Predictors Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... policy is fair	Between Groups	.822	1	.822	1.019	.314
	Within Groups	119.371	148	.807		
	Total	120.193	149			

Table 4-6 Descriptive Education ANOVA between Intervals of Less than a Bachelor's Degree and Bachelor Degree and Higher (cont.)

Perceptions of Fairness Predictors Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance to participate in design and implementation	Between Groups	.257	1	.257	.358	.551
	Within Groups	106.203	148	.718		
	Total	106.460	149			
Officers... importance of sense of belonging	Between Groups	.090	1	.090	.289	.592
	Within Groups	46.103	148	.312		
	Total	46.193	149			
Officers... importance of clear policy	Between Groups	.005	1	.005	.020	.887
	Within Groups	38.535	148	.260		
	Total	38.540	149			
Officers... importance of fully understood policy	Between Groups	.347	1	.347	1.025	.313
	Within Groups	50.193	148	.339		
	Total	50.540	149			

Table 4-6 Descriptive Education ANOVA between Intervals of Less than a Bachelor's Degree and Bachelor Degree and Higher (cont.)

Perceptions of Fairness Predictors Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of well disseminated policy	Between Groups	.010	1	.010	.020	.887
	Within Groups	72.530	148	.490		
	Total	72.540	149			
Officers... importance of familiar with personal/job related "crystallized" awareness	Between Groups	.086	1	.086	.238	.626
	Within Groups	53.414	148	.361		
	Total	53.500	149			
Officers... importance of awareness of existence of policy	Between Groups	.144	1	.144	1.238	.268
	Within Groups	17.190	148	.116		
	Total	17.333	149			

Table 4.7 indicates the descriptive ANOVA statistical analysis of age between group 1 (21-40 years old) and group 2 (41-60+ years old) age intervals. This data indicates that there

is a .028 statistical significance difference in the importance of being aware of the existence of a drug abuse testing policy.

Table 4.7 Descriptive Age ANOVA between Intervals of 21-40 and 41-60+ Years Old

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... policy is fair	Between Groups	.204	1	.204	.251	.617
	Within Groups	119.989	148	.811		
	Total	120.193	149			
Officers... importance to participate in design and implementation	Between Groups	.967	1	.967	1.357	.246
	Within Groups	105.493	148	.713		
	Total	106.460	149			
Officers... importance of sense of belonging	Between Groups	.274	1	.274	.883	.349
	Within Groups	45.919	148	.310		
	Total	46.193	149			
Officers... importance of clear policy	Between Groups	.054	1	.054	.209	.648
	Within Groups	38.486	148	.260		
	Total	38.540	149			

Table 4.7 Descriptive Age ANOVA between Intervals of 21-40 and 41-60+ Years Old (cont.)

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of fully understood policy	Between Groups	.039	1	.039	.115	.735
	Within Groups	50.501	148	.341		
	Total	50.540	149			
Officers... importance of well disseminated policy	Between Groups	.039	1	.039	.080	.777
	Within Groups	72.501	148	.490		
	Total	72.540	149			
Officers... importance of familiar/job related "crystallized" awareness	Between Groups	.002	1	.002	.005	.943
	Within Groups	53.498	148	.361		
	Total	53.500	149			
Officers... importance of awareness of existence of policy	Between Groups	.559	1	.559	4.933	.028
	Within Groups	16.774	148	.113		
	Total	17.333	149			

## 2. Education

Table 4.8 indicates the descriptive analysis of education using a 95% confidence interval. In an effort to compare both

groups, two education intervals are created. These two education intervals are indicated to compare and evaluate whether the difference between the two meanings is statistically significant. These two education level intervals are group 1 (less than a Bachelor's Degree) and group 2 (Bachelor Degree and higher) compared to the eight perceptions of fairness predictor items of the drug abuse testing policy which addresses police officers' perceptions policy fairness.

Table 4.8 Descriptive Analysis Using Education at a 95% Confidence Interval

Perceptions of Fairness Predictors Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... policy is fair	1.00	51	2.18	.865	.121	1.93	2.42
	2.00	99	2.02	.915	.092	1.84	2.20
	Total	150	2.07	.898	.073	1.93	2.22
Officers... importance to participate in design and implementation	1.00	51	1.88	.739	.103	1.67	2.09
	2.00	99	1.97	.897	.090	1.79	2.15
	Total	150	1.94	.845	.069	1.80	2.08
Officers... importance of sense of sense of belonging	1.00	51	1.37	.488	.068	1.24	1.51
	2.00	99	1.42	.591	.059	1.31	1.54
	Total	150	1.41	.557	.045	1.32	1.50

Table 4.8 Descriptive Analysis Using Education at a 95% Confidence Interval (cont.)

Perceptions of Fairness Predictors Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... importance of clear policy	1.00	51	1.41	.497	.070	1.27	1.55
	2.00	99	1.42	.517	.052	1.32	1.53
	Total	150	1.42	.509	.042	1.34	1.50
Officers... importance of fully understood policy	1.00	51	1.35	.483	.068	1.22	1.49
	2.00	99	1.45	.627	.063	1.33	1.58
	Total	150	1.42	.582	.048	1.33	1.51
Officers... importance of well disseminated policy	1.00	51	1.57	.700	.098	1.37	1.77
	2.00	99	1.59	.700	.070	1.45	1.73
	Total	150	1.58	.698	.057	1.47	1.69
Officers... importance of familiar with personal/job related "crystallized" awareness	1.00	51	1.67	.653	.091	1.48	1.85
	2.00	99	1.72	.572	.058	1.60	1.83
	Total	150	1.70	.599	.049	1.60	1.80

Table 4.8 Descriptive Analysis Using Education at a 95% Confidence Interval (cont.)

Perceptions of Fairness Predictors Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officer...	1.00	51	1.18	.385	.054	1.07	1.28
importance of	2.00	99	1.11	.316	.032	1.05	1.17
awareness of	Total	150	1.13	.341	.028	1.08	1.19
existence of policy							

Table 4-9 indicates the descriptive ANOVA statistical analysis of education between group 1 (less than Bachelor's Degree) and group 2 (Bachelor's Degree and higher) education intervals. This data indicates that there is no statistical significance difference between both groups.

Table 4-9 Descriptive Education ANOVA between Intervals of Less than a Bachelor's Degree and Bachelor's Degree and Higher

Perceptions of Fairness Predictors Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... policy is fair	Between Groups	.822	1	.822	1.019	.314
	Within Groups	119.371	148	.807		
	Total	120.193	149			

Table 4-9 Descriptive Education ANOVA between Intervals of Less than a Bachelor's Degree and Bachelor's Degree and Higher (cont.)

Perceptions of Fairness Predictors Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance to participate in design and implementation	Between Groups	.257	1	.257	.358	.551
	Within Groups	106.203	148	.718		
	Total	106.460	149			
Officers... importance of sense of belonging	Between Groups	.090	1	.090	.289	.592
	Within Groups	46.103	148	.312		
	Total	46.193	149			
Officers... importance of clear policy	Between Groups	.005	1	.005	.020	.887
	Within Groups	38.535	148	.260		
	Total	38.540	149			
Officers... importance of fully understood policy	Between Groups	.347	1	.347	1.025	.313
	Within Groups	50.193	148	.339		
	Total	50.540	149			

Table 4-9 Descriptive Education ANOVA between Intervals of Less than a Bachelor's Degree and Bachelor's Degree and Higher (cont.)

Perceptions of Fairness Predictors Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of well disseminated policy	Between Groups	.010	1	.010	.020	.887
	Within Groups	72.530	148	.490		
	Total	72.540	149			
Officers... importance of familiar with personal/job related "crystallized" awareness	Between Groups	.086	1	.086	.238	.626
	Within Groups	53.414	148	.361		
	Total	53.500	149			
Officers... importance of awareness of existence of policy	Between Groups	.144	1	.144	1.238	.268
	Within Groups	17.190	148	.116		
	Total	17.333	149			

### 3. Ethnicity

Table 4.10 indicates the descriptive analysis of ethnicity using a 95% confidence interval. In an effort to compare the two groups, two ethnicity intervals are created. These two ethnic

intervals are indicated to compare and evaluate whether the difference between the two meanings is statistically significant. These two ethnic intervals are between groups 1 (Caucasian) and 2 (Non-Caucasian) compared to the eight perceptions of fairness predictor items of the drug abuse testing policy which addresses police officers' perceptions policy fairness.

Table 4.10 Descriptive Analysis Using Ethnicity at a 95% Confidence Interval

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... policy is fair	1.00	89	2.04	.824	.087	1.87	2.22
	2.00	61	2.11	1.002	.128	1.86	2.37
	Total	150	2.07	.898	.073	1.93	2.22
Officers... importance to participate in design and implementation	1.00	89	1.96	.865	.092	1.77	2.14
	2.00	61	1.92	.822	.105	1.71	2.13
	Total	150	1.94	.845	.069	1.80	2.08

Table 4.10 Descriptive Analysis Using Ethnicity at a 95% Confidence Interval (cont.)

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... importance of sense of belonging	1.00	89	1.39	.536	.057	1.28	1.51
	2.00	61	1.43	.590	.076	1.28	1.58
	Total	150	1.41	.557	.045	1.32	1.50
Officers... importance of clear policy	1.00	89	1.38	.511	.054	1.27	1.49
	2.00	61	1.48	.504	.064	1.35	1.60
	Total	150	1.42	.509	.042	1.34	1.50
Officers... importance of fully understood policy	1.00	89	1.36	.506	.054	1.25	1.47
	2.00	61	1.51	.674	.086	1.34	1.68
	Total	150	1.42	.582	.048	1.33	1.51
Officers... importance of well disseminated policy	1.00	89	1.54	.658	.070	1.40	1.68
	2.00	61	1.64	.753	.096	1.45	1.83
	Total	150	1.58	.698	.057	1.47	1.69

Table 4.10 Descriptive Analysis Using Ethnicity at a 95% Confidence Interval (cont.)

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... importance of familiar with personal/job related "crystallized" awareness	1.00	89	1.74	.594	.063	1.62	1.87
	2.00	61	1.64	.606	.078	1.48	1.79
	Total	150	1.70	.599	.049	1.60	1.80
Officers... importance of awareness of existence of policy	1.00	89	1.13	.343	.036	1.06	1.21
	2.00	61	1.13	.340	.044	1.04	1.22
	Total	150	1.13	.341	.028	1.08	1.19

Table 4.11 indicates the descriptive ANOVA statistical analysis of ethnicity between group 1 (Caucasian) and group 2 (Non-Caucasian). This data indicated that there is no statistical significance difference between both groups.

Table 4.11 Descriptive Ethnicity ANOVA between Intervals of Caucasians and Non-Caucasians

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... policy is fair	Between Groups	.176	1	.176	.218	.642
	Within Groups	120.017	148	.811		
	Total	120.193	149			
Officers... importance to participate in design and implementation	Between Groups	.050	1	.050	.069	.793
	Within Groups	106.410	148	.719		
	Total	106.460	149			
Officers... importance of sense of belonging	Between Groups	.039	1	.039	.126	.723
	Within Groups	46.154	148	.312		
	Total	46.193	149			
Officers... importance of clear policy	Between Groups	.316	1	.316	1.222	.271
	Within Groups	38.224	148	.258		
	Total	38.540	149			
Officers... importance of fully understood policy	Between Groups	.800	1	.800	2.380	.125
	Within Groups	49.740	148	.336		
	Total	50.540	149			

Table 4.11 Descriptive Ethnicity ANOVA between Intervals of Caucasians and Non-Caucasians (cont.)

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of well disseminated policy	Between Groups	.362	1	.362	.742	.390
	Within Groups	72.178	148	.488		
	Total	72.540	149			
Officers... importance of familiar with personal/job related "crystal- lized" awareness	Between Groups	.378	1	.378	1.054	.306
	Within Groups	53.122	148	.359		
	Total	53.500	149			
Officers... importance of awareness of existence of policy	Between Groups	.000	1	.000	.004	.948
	Within Groups	17.333	148	.117		
	Total	17.333	149			

#### 4. Gender

Table 4.12 indicates the descriptive analysis of gender using a 95% confidence interval. Two gender intervals are indicated to compare and evaluate whether the difference between the two meanings is statistically significant. These two gender

intervals are between group 1 (male) and group 2 (female) compared to the eight perceptions of fairness predictor items of the drug abuse testing policy which addresses police officers' perceptions policy fairness.

Table 4.12 Descriptive Analysis Using Gender at a 95% Confidence Interval

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... policy is fair	Male	124	2.06	.839	.075	1.91	2.21
	Female	26	2.15	1.156	.227	1.69	2.62
	Total	150	2.07	.898	.073	1.93	2.22
Officers... importance to participate in design and implementation	Male	124	1.94	.868	.078	1.79	2.10
	Female	26	1.92	.744	.146	1.62	2.22
	Total	150	1.94	.845	.069	1.80	2.08
Officers... importance of sense of belonging	Male	124	1.38	.519	.047	1.29	1.47
	Female	26	1.54	.706	.138	1.25	1.82
	Total	150	1.41	.557	.045	1.32	1.50
Officers... importance of clear policy	Male	124	1.39	.505	.045	1.30	1.48
	Female	26	1.58	.504	.099	1.37	1.78
	Total	150	1.42	.509	.042	1.34	1.50

Table 4.12 Descriptive Analysis Using Gender at a 95% Confidence Interval (cont.)

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... importance of fully understood policy	Male	124	1.36	.499	.045	1.27	1.45
	Female	26	1.69	.838	.164	1.35	2.03
	Total	150	1.42	.582	.048	1.33	1.51
Officers... importance of well disseminated policy	Male	124	1.56	.678	.061	1.44	1.68
	Female	26	1.65	.797	.156	1.33	1.98
	Total	150	1.58	.698	.057	1.47	1.69
Officers... importance of familiar with personal/job related "crystallized" awareness	Male	124	1.73	.613	.055	1.62	1.84
	Female	26	1.54	.508	.100	1.33	1.74
	Total	150	1.70	.599	.049	1.60	1.80
Officers... importance of awareness of existence of policy	Male	124	1.14	.345	.031	1.08	1.20
	Female	26	1.12	.326	.064	.98	1.25
	Total	150	1.13	.341	.028	1.08	1.19

Table 4.13 indicates the descriptive ANOVA statistical analysis of gender between group 1 (male) and group 2 (female) gender intervals. This data indicates there is a .008 statistical significance difference in the importance of having a fully understood drug abuse testing policy.

Table 4.13 Descriptive Gender ANOVA between Intervals of Male and Female

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... policy is fair	Between Groups	.204	1	.204	.251	.617
	Within Groups	119.989	148	.811		
	Total	120.193	149			
Officers... importance to participate in design and implementation	Between Groups	.009	1	.009	.013	.911
	Within Groups	106.451	148	.719		
	Total	106.460	149			
Officers... importance of sense of belonging	Between Groups	.546	1	.546	1.771	.185
	Within Groups	45.647	148	.308		
	Total	46.193	149			

Table 4.13 Descriptive Gender ANOVA between Intervals of Male and Female (cont.)

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of clear policy	Between Groups	.774	1	.774	3.035	.084
	Within Groups	37.766	148	.255		
	Total	38.540	149			
Officers... importance of fully understood policy	Between Groups	2.332	1	2.332	7.160	.008
	Within Groups	48.208	148	.326		
	Total	50.540	149			
Officers... importance of well disseminated policy	Between Groups	.172	1	.172	.351	.555
	Within Groups	72.368	148	.489		
	Total	72.540	149			
Officers... importance of familiar with personal/job related "crystallized" awareness	Between Groups	.821	1	.821	2.306	.131
	Within Groups	52.679	148	.356		
	Total	53.500	149			

Table 4.13 Descriptive Gender ANOVA between Intervals of Male and Female (cont.)

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of awareness of existence of policy	Between Groups	.010	1	.010	.087	.769
	Within Groups	17.323	148	.117		
	Total	17.333	149			

#### 5. Longevity

Table 4.14 indicates the descriptive analysis of longevity using a 95% confidence interval. In an effort to compare the two groups, two longevity intervals are created. These two longevity intervals are indicated to compare and evaluate whether the difference between the two meanings is statistically significant. These two longevity intervals are between group 1 (0-10 years) and group 2 (11-20+ years) compared to the eight perceptions of fairness predictor items of the drug abuse testing policy which addresses police officers' perceptions policy fairness.

Table 4.14 Descriptive Analysis Using Longevity at a 95% Confidence Interval

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... policy is fair	1.00	120	2.07	.896	.082	1.90	2.23
	2.00	30	2.10	.923	.168	1.76	2.44
	Total	150	2.07	.898	.073	1.93	2.22
Officers... importance to participate in design and implementation	1.00	120	1.89	.838	.077	1.74	2.04
	2.00	30	2.13	.860	.157	1.81	2.45
	Total	150	1.94	.845	.069	1.80	2.08
Officers... importance of sense of belonging	1.00	120	1.38	.551	.050	1.28	1.47
	2.00	30	1.53	.571	.104	1.32	1.75
	Total	150	1.41	.557	.045	1.32	1.50
Officers... importance of clear policy	1.00	120	1.42	.512	.047	1.32	1.51
	2.00	30	1.43	.504	.092	1.25	1.62
	Total	150	1.42	.509	.042	1.34	1.50
Officers... importance of fully understood policy	1.00	120	1.43	.603	.055	1.32	1.53
	2.00	30	1.40	.498	.091	1.21	1.59
	Total	150	1.42	.582	.048	1.33	1.51

Table 4.14 Descriptive Analysis Using Longevity at a 95% Confidence Interval (cont.)

Perceptions of Fairness Predictor Items		N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean	
						Lower Bound	Upper Bound
Officers... importance of well disseminated policy	1.00	120	1.57	.695	.063	1.44	1.69
	2.00	30	1.63	.718	.131	1.37	1.90
	Total	150	1.58	.698	.057	1.47	1.69
Officers... importance of familiar with personal/job related "crystallized" awareness	1.00	120	1.70	.616	.056	1.59	1.81
	2.00	30	1.70	.535	.098	1.50	1.90
	Total	150	1.70	.599	.049	1.60	1.80
Officers... importance of awareness of existence of policy	1.00	120	1.17	.374	.034	1.10	1.23
	2.00	30	1.00	.000	.000	1.00	1.00
	Total	150	1.13	.341	.028	1.08	1.19

Table 4.15 indicates the descriptive ANOVA statistical analysis of longevity between group 1 (0-10 years) and group 2 (11-20+ years) longevity intervals. This data indicates there is

a .041 statistical significance difference in the importance of an awareness of the existence of the drug abuse testing policy in the workplace.

Table 4.15 Descriptive Longevity ANOVA between 0-10 Years and 11-20+ Years Intervals

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... policy is fair	Between Groups	.723	3	.241	.295	.829
	Within Groups	119.470	146	.818		
	Total	120.193	149			
Officers... importance to participate in design and implementation	Between Groups	3.168	3	1.056	1.493	.219
	Within Groups	103.292	146	.707		
	Total	106.460	149			
Officers... importance of sense of belonging	Between Groups	1.771	3	.590	1.941	.126
	Within Groups	44.422	146	.304		
	Total	46.193	149			
Officers... importance of clear policy	Between Groups	.697	3	.232	.896	.445
	Within Groups	37.843	146	.259		
	Total	38.540	149			

Table 4.15 Descriptive Longevity ANOVA between 0-10 Years and 11-20+ Years Intervals (cont.)

Perceptions of Fairness Predictor Items		Sum of Squares	df	Mean Square	F	Sig.
Officers... importance of fully understood policy	Between Groups	1.764	3	.588	1.760	.157
	Within Groups	48.776	146	.334		
	Total	50.540	149			
Officers... importance of well disseminated policy	Between Groups	.325	3	.108	.219	.883
	Within Groups	72.215	146	.495		
	Total	72.540	149			
Officers... importance of familiar with personal/job related "crystallized" awareness	Between Groups	.013	3	.004	.012	.998
	Within Groups	53.487	146	.366		
	Total	53.500	149			
Officers... importance of awareness of existence of policy	Between Groups	.947	3	.316	2.814	.041
	Within Groups	16.386	146	.112		
	Total	17.333	149			

#### H. Survey Text Results on Comments to Improve the Drug Abuse Testing Policy

The survey instrument contains two questions for respondents to text-in: a. suggestions to improve the drug abuse testing policy and b. provide additional comments they feel appropriate regarding the drug abuse testing policy. These two responses contain two identifiable trends; a. how random is random and b. unawareness of existence of the drug abuse testing policy in the workplace.

Table 4.16 indicates the first trend with 16 responses regarding the randomness of the drug abuse testing policy. The majority of these responders (81%) agree the drug abuse testing policy is fair in potentially reducing drug abuse. The age category is equally divided between 21-40 years old and 41-60+ years old. The majority of respondents (63%) had a Bachelor's Degree or higher. The majority of respondents are male. The majority of respondents have 10 years or less of employment longevity. The majority are Caucasian. The majority are PBA member. And, all respondents are aware of the existence of the drug abuse testing policy in the workplace.

Table 4.16 Percentage of Responses on How Random is Random Text Trend

Policy is Fair	Age	Level of Education	Gender	Longevity	Ethnicity	PBA Membership	Awareness of Existence of Policy
Agree (81%)	21-40 (50%)	Less than Bachelor's Degree (63%)	Male (94%)	0-10 years (56%)	Caucasian (69%)	Yes (94%)	Yes (100%)
Disagree (19%)	41-60+ (50%)	Bachelor Degree and Higher (37%)	Female (6%)	11-20+ (44%)	Non-Caucasian (31%)	No (6%)	No (0%)

Table 4-17 indicates the second trend with 11 responses regarding the unawareness of the existence of the drug abuse testing policy in the workplace. The majority of these respondents (64%) agree the drug abuse testing policy is fair in potentially reducing drug abuse. The majority of respondents (82%) are between 21-40 years old. The majority of respondents (55%) have a Bachelor's Degree or higher. All respondents are male. The majority of respondents (82%) have 10 years or less of employment longevity. The majority of respondents (55%) are Caucasian. All respondents are PBA member. And, the majority of all respondents (91%) are aware of the existence of the drug abuse testing policy in the workplace.

Table 4-17 Percentages of Responses on Unawareness of Existence of Drug Abuse Testing Policy Text Trend

Policy is Fair	Age	Level of Education	Gender	Longevity	Ethnicity	PBA Membership	Awareness of Existence of Policy
Agree (64%)	21-40 (82%)	Less than Bachelor Degree (55%)	Male (100%)	0-10 years (82%)	Caucasian (55%)	Yes (100%)	Yes (91%)
Disagree (18%)	41-60+ (18%)	Bachelor and Higher (45%)	Female (0%)	11-20+ (18%)	Non-Caucasian (45%)	No (0%)	No (9%)
No Opinion (18%)							

I. Random Drug Testing Raw Data from the Port Authority Police

The Port Authority Police Administrator charged with the responsibility of executing the drug abuse testing policy provided the raw computer random drug testing data for police officers selected and tested for the months of January 2010 to June 2010 to indicate the randomness of the Port Authority Police drug abuse testing policy. Table 4-18 illustrate a six month sample based on age, gender, longevity, and race of police officers computer randomly selected and tested. A total of 287 police officers are drug tested. These averages to approximately 11 police officers per week out of approximately 40 names

computer randomly selected for drug abuse testing. The majority of respondents (61%) are between the ages 21-40 years old. The majority of respondents (90%) are male. The majority of respondents (58%) have 10 years or less. And, the majority of respondents (76%) are Caucasian. Table 4-19 illustrates the demographic characteristics from this study for a comparative descriptive analysis to the raw data submitted by the Port Authority Police on random drug abuse testing selection.

Table 4-18 Random Drug Testing Raw Data from the Port Authority Police

Age	Gender	Longevity	Race
21-40 (61%)	Male (90%)	0-10 (58%)	Caucasian (76%)
41-60 + (39%)	Female (10%)	11-20 + (42%)	Non-Caucasian (24%)

Table 4-19 Demographic Characteristics from this Study

Age	Gender	Longevity	Race
21-40 (83%)	Male (83%)	0-10 (80%)	Caucasian (69%)
41-60 + (17%)	Female (17%)	11-20 + (20%)	Non-Caucasian (31%)

J. Narrative of Police Administrator Executing the Drug Abuse Testing Policy

The Port Authority Police charged the responsibility of executing the drug abuse testing policy to one Police Lieutenant. The Lieutenant is the Superintendent of Police designate to conduct the administration of the drug abuse testing policy by:

- a. maintaining the list of police officers to be drug tested,
- b. computer randomly selecting the names of police officers with the presence of a PBA representative who witnesses and reviews the list,
- c. contacting the medical personnel who collects the samples, transport them to a certified laboratory, and verifies the drug abuse test is complete,
- d. receives and secures the drug abuse test results from the certified laboratory, and
- e. notifies the Police Commanders regarding the positive drug abuse test results of police officers.

The list is composed of computer randomly selected 40 police officers' names every week of which depending on their availability, for example if they have a regular day off, have a scheduled personal day off, are on vacation, are on medical leave from a police related injury while on duty or are out sick, are assigned to other police agencies, are assigned to VIP special details, or are contractually exempted from the drug abuse testing policy such as the PBA President, Vice-President, Second Vice-President, Treasurer, and Secretary, are to be tested. Every week, the list ends with approximately 10-

15 names of police officers to be tested. The PBA again reviews and approves the list. The Lieutenant contacts the medical personnel, All Metro Health Care, Hackensack, New Jersey, which under contract provides the personnel (nurses) to visit the New York and New Jersey Police Commands, collect two urine samples, and transport them to the laboratory, Quest Diagnostic Laboratory, Teterboro, New Jersey, for analysis. The Lieutenant also contacts and issues police orders with the names of the police officers to be drug tested to Police Commanders of each command. Urine samples are tested by performing an immunoassay analysis. If the urine sample results positive, the second sample is retested and confirmed by Gas Chromatography-Mass Spectrometry (GC-MS) analysis. Should both analyses are confirmed positive; the Police Commander is contacted and informed. The Police Commander then contacts the police officer who is suspended from police service and informed to contact the PBA for further advisement.

The Police Lieutenant indicates that random drug testing became a contractual agreement with the PBA in 1996 (Appendix D2). However, before 1996, the Port Authority Police had a reasonable suspicion drug policy which began in 1991 (Appendix D1). Before 1991, the Port Authority Police relied on the General Rules and Regulations for All Port Authority Employees

(Appendix H) for drug abuse testing. As of the last contract, which is extended to 2010 (Appendix D2), there are no changes in the drug abuse testing policy. The goal of the drug abuse testing policy is to confirm police officers are not abusing illegal drugs. This goal is being met and no police officers have refused to be tested. According to the Police Lieutenant, there are no indications now or in the future of modifying the existing drug abuse testing policy. His experience is that, as in any organization, there are always several police officers who display a mal-content behavior with being tested because of moral and mistrust issues. These police officers feel the police organization has failed to trust them. Since the inception of the drug abuse testing policy approximately 6-7 police officers have tested positive, most of them in the early years of the policy. There are a low number of false positives, as a result of police officers on doctors' prescribed or over-the-counter medications.

The Police Lieutenant indicates that the Port Authority Police does not have an educational drug program but it has a drug treatment program for police officers who identify themselves in advance, as having a drug abuse problem, and for those who test positive. This drug treatment program is a "one-shot-deal." Once the police officer takes advantage of it, the

police officer is placed in a drug abuse treatment and if at the next random drug abuse testing, he test positive again, he/she is then terminated. In most cases, police officers whose test results are positive, are given an administrative discipline hearing with PBA representation and depending on the overall circumstances which includes the police officer's demeanor, he/she is granted the opportunity to enter a drug treatment program. The Police Lieutenant further indicates that the overall response from most police officers is positive.

#### K. Summary

The results present indicate clearly that the means of a Port Authority Police Officer in this study is less than 40 years old, completed a Bachelor's Degree or higher, has less than 10 years as a police officer, is Caucasian, a male, a member of the PBA, and is aware of the existence of the drug abuse testing policy in the workplace. The typical respondent agrees that the Port Authority Police drug abuse testing policy is fair in potentially reducing drug abuse, agrees that it is important for police officers to participate in the design and implementation of the drug abuse testing policy, agrees that it is important for police officers to have a sense of belonging to the police organization, agrees it is important to be familiar with a personal/job related "crystallized" or firmed awareness of the

drug abuse testing policy, so that it does not lead to perceptions, agrees that it is important to have a clear drug abuse testing policy, agrees that it is important to have a fully understood drug abuse testing policy, agrees that it is important to have a well disseminated drug abuse testing policy, and is aware of the existence of the drug abuse testing policy in the workplace. There is statistical significance differences in a number of variables selected. The descriptive ANOVA statistical analysis indicates there is a .028 statistical significance difference in the importance of being aware of the existence of the drug abuse testing policy between the two age groups. There is a .008 statistical significance difference in the importance to have a fully understood drug abuse testing policy between the two gender groups. And, there is a .041 statistical significance difference in the importance to have an awareness of the existence of a drug abuse testing policy in the workplace between the two employment longevity groups. A more detailed summary and a discussion of the findings will be presented in the next chapter.

## Discussion

In an effort to assist the reader, this chapter restates the problem statement, research problem, and reviews the main methods used in the study. The problem statement provides an overview of the problems of drug abuse in the United States. The research problem addresses the internal specific issue facing police administrators about police drug abuse. It extends into the police drug abuse testing efforts by police administrators attempting to eliminate the problem. It also identifies the perceptions displayed by police officers impacted by drug abuse testing policies. The research problem results makes a professional significance and an important contribution to the field of public administration by adding knowledge and providing a greater depth about police drug abuse testing policy. The main sections of this chapter summarize the results and discuss the implications.

### A. Statement of the Problem

The war on drugs is a concept that has affected society at large, as well as police forces at all levels of government. For years, drug abuse has been addressed as a serious national problem. The problem of drugs in society breaks down into several interrelated components: drug production (both overseas

and in the U.S.), drug distribution, drug abuse or consumption and violence, and financial criminality associated with drugs. The availability of drugs is rampant and uncontrolled. The police are charged with controlling and fighting the war on drugs. But, as a result, the police have not been immune to the pervasive influence of illegal drugs. Many have experimented with illegal drugs while growing up and are now police officers. And, it comes to no surprise that the police have been detected and even prosecuted for abusing drugs. Policing is a difficult job that produces stress and trauma and some police officers have resulted to abusing illegal drugs as a form of coping with these stresses.

Illegal or controlled substances have a major impact on police officers' official responsibilities and decision making. These responsibilities and decisions can mean the difference between making a life and death situation decision, misguiding the public in times of need, or eroding the trust in the relationship long established between the public and the police. Drug abuse is a problem that impacts all hierarchical levels and categorical units of the police. Police departments at many levels of government face this problem; this is no longer an isolated problem. In other words, this is an existing national

police problem, not just at the state or local level of police administration.

What can be done to minimize, if not eradicate, this problem is a major challenge facing police administrators in an effort to eliminate illegal drug abuse use by police officers. On September 15, 1986, President Ronald Reagan signed Executive Order 12564 mandating federal employers serving the public in sensitive occupations and private sector contractors also serving the public, to eradicate illegal drug use in the workplace (Appendix A).

Police departments such as the Port Authority Police began to implement drug abuse testing polices to eliminate the use of illegal drugs by police officers. Prior to this mandate, most of the drug abuse programs were found in the private sector. These drug abuse programs were incorporated with alcohol abuse and fell under Employee Assistance Programs (EAP). Drug abuse violations are "commonly dealt with in-company rules than in the collective bargaining agreement" such as the General Rules and Regulations for all Port Authority Employees (Appendix H) (Levin and Denenberg 1976, 100). The U.S. military was the first to enact drug abuse testing in the early 1970s. Many soldiers returning from the Vietnam War experienced drug abuse in combat and became addicted to drugs. In 1971, President Richard Nixon directed the

military to identify service members returning from Vietnam for rehabilitation (Baker 1972).

Police officers are experiencing the impact of drug abuse testing policies and many believe that these policies are forced on them without sensitive and viable alternatives. The unclear, misunderstood, and poorly disseminated drug abuse testing policy, lack of alternative methods in drug abuse testing, and failure in modification, updating, or putting in place fair and viable drug abuse testing policies, leads to perceptions about the nature of the drug abuse testing policy, quality of the drug abuse testing policy, and process utilized in testing for illegal drug testing. This is the core for the central research questions for this study; what are the perceptions of police officers regarding the fairness of a mandated drug abuse testing policy? And, does a lack of sense of belonging in the police organization and participation in the design and implementation have an impact regarding the fairness of a mandated drug abuse testing policy?

#### B. The Research Problem

Police departments across the United States have implemented drug abuse testing programs to eliminate illegal drug abuse but little is known about police officer perceptions of these policies. Drug abuse testing programs have led to perception by police officers since 1986, when President Ronald

W. Reagan signed Executive Order 12564, Drug Free Federal Workplace (Appendix A). The Order specifically condemns the use of illegal drugs both on and off the job. It deals with both procedural due process and the reasonableness of drug abuse testing programs that test law enforcement personnel out of concerns for public safety and employee integrity, as well as "government interest such as public safety, employee safety, national security, public confidence in the integrity of government agency, the ability of the employees to discharge his duties, and efficiency in the workplace" (Adams 1987, 1359).

Executive Order 12564 specifically applies to the federal government; however states examined the mandate and began procedural initiatives to implement illegal drug abuse testing policies. The mandate had a major influence by its content and strategies for states to begin addressing illegal drug abuse in the public workplace. For example, in October 22, 1986, five weeks after President Ronald Reagan signed the Executive Order; New Jersey's Attorney General W. Cary Edwards sent a drug abuse testing policy to all law enforcement agencies' administrators regarding the new guidelines for drug abuse testing, The Law Enforcement Drug Screening Guidelines and Drug Abuse Testing Policy (Appendix C). The guidelines ordered all New Jersey police departments for the need to "maintain a drug-free law

enforcement community and at the same time safeguard the rights of individual police officers" (Appendix C, 1).

In 1989, the first case to test drug abuse testing was the National Treasury Employees Union v. Raab; in this case, the US Supreme Court concluded that preventing the entry and promotion of drug abusers to sensitive positions outweighed the privacy interests in view of the physical and ethical demands related to the position. And, again in 1989 the second case to test drug abuse testing was Skinner v. Railway Labor Executives' Association; in this case, the US Supreme Court concluded that the need to regulate the conduct of employees for safety purpose was far greater than the need for individual privacy. In 1988, the New York State Court of Appeals ruled in the case of Caruso v. Ward that random drug abuse testing was Constitutional and police officers, because of the nature of their position, have a reduced expectation of privacy.

#### C. Review of the Methodology

As explained in Chapter 1, the methodology used in this study is a mixed methods strategy, to elaborate on expanding the findings of one method with another and increase explanations for the perceptions of police officers of drug abuse policies (Cresswell 2003). The study examines the phenomenon of police perceptions of drug abuse testing and develops a meaning for this

phenomenon. The meaning of the study's results concludes that the drug abuse testing policy is fair and this shared phenomenon is due to the importance of participating in the design and implementation of the drug abuse testing policy, having a sense of belonging to the police organization, being familiar with personal/situational job factors crystallized awareness of the drug abuse testing policy, having a clear, fully understood, and well-disseminated drug abuse testing policy, and being aware of the existence of the drug abuse testing policy in the workplace. This normative pattern of behavior is demonstrated when working alone or with co-workers in the community.

In the methodology, the researcher relies chiefly in collecting quantitative data that it is collected through a survey instrument using a sample of 150 out of 1397 police officers from the Port Authority Police of New York and New Jersey and qualitative data collected through an interview from the police administrator charged with the execution of the drug abuse testing policy. The survey instrument addresses the relationship between demographic variables; age, education, gender, longevity, race, and dependent variable questions about police perceptions regarding the fairness to drug abuse testing. The qualitative approach includes a narrative interview with the police administrator to examine dependent relevant variables

regarding the administrative history, functional, operational irregularities, knowledge of perceptions, and unusual circumstances that leads to perceptions by police officers by the drug abuse testing policy since its inception. The qualitative approach is conducted utilizing open-ended and closed-ended questions. The intent of the combined survey and qualitative interview is to relate the responses from the survey to the qualitative responses of the police administrator about the impact of the policy on police organization and professional communities. Combining these two approaches provides a good design for the research using a concurrent triangulation to "offset the weaknesses inherent within one method with the strengths of the other method. This strategy integrates the results of the two methods during the interpretation phase" (Cresswell 2003, 217).

As a retired police officer, who was impacted by the drug abuse testing policy, the researcher, along with co-workers generated perceptions, as a result of lack of participation in the design and implementation of the drug abuse testing policy. This highly influences the perceptions in the implementation process. This study examines participants' perceptions and generates an experiential theoretical perspective through the use

of quantitative and qualitative statistical analysis which determines the fairness of the drug abuse testing policy.

#### D. Summary of the Results

The demographic characteristics of the study comprises of 150 police officers out of 1397 from the Port Authority Police. The age range of these police officers is 83 percent of 40 years old or less, 83 percent male, 89 percent Caucasian, 66 percent have a Bachelor Degree or higher, 80 percent have 10 years or less in longevity, 87 percent are aware of the existence of the drug abuse testing policy in the workplace, and 96 percent are PBA members.

Throughout the entire period of the study, the perceptions of fairness predictor items are that police officers agree that the existing drug abuse testing policy is fair in potentially reducing drug abuse, that it is important to participate in the design and implementation of the drug abuse testing policy, that it is important to have a sense of belonging to the police organization, that it is important to have a familiarity with personal/situational job factors crystallized awareness of the drug abuse testing policy, that it is important to have a clear drug abuse testing policy, that it is important to have a fully understood drug abuse testing policy, that it is important to have a well-disseminated drug abuse testing policy, and that it

is important to have an awareness of the existence of the drug abuse testing policy in the workplace.

There are three areas of statistical significance differences. First, a .028 statistical significance difference between the two age groups (21-40 and 41-60+ years) in the importance of being aware of the existence of the drug abuse testing policy in the workplace. Second, a .008 statistical significance difference between the two gender groups (male and female) in the importance of having a fully understood drug abuse testing policy. And, a .041 statistical significance difference between the two longevity groups (0-10 and 11-20+ years) in the importance of being aware of the existence of the drug abuse testing policy in the workplace.

In contrasting the narrative interview with the Police Lieutenant charged with the responsibility of executing the drug abuse testing policy, the findings suggest to indicate that the nature of his comments coincide with the results of police officers' quantitative findings. The Police Lieutenant's responsibility of administering the drug abuse testing policy shares the mission objective of the Port Authority Police drug abuse testing policy. The goal is to confirm that police officers are not abusing illegal drug. So far, the goal is being met by no refusals from police officers to take the drug abuse

test. This drug abuse testing policy continues to exist, as there are no indications of any type of modification to the existing drug abuse testing policy or changing the method of drug abuse testing in the near future. The Police Lieutenant's comments that the "overall response from most police officers is positive," this appears to convince that the drug abuse testing policy is working, as it was originally intended. The results from the survey share the response from the Police Lieutenant regarding the mission and goals of the drug abuse testing policy. The responses identify the eight perceptions of fairness predictor items that provide a positive synthesis in responses from both police officers and the Police Lieutenant. First, police officers agree that the existing drug abuse testing policy is fair in potentially reducing drug abuse. Second, police officers agree that it is important to participate in the design and implementation of the drug abuse testing policy. Third, police officers agree that it is important to have a sense of belonging to the police organization. Fourth, police officers agree that it is important to be familiar with personal/situation job factors crystallized awareness of the drug abuse testing policy. Fifth, police officers agree that it is important to have a clear drug abuse testing policy. Sixth, police officers agree that it is important to have a fully understood drug abuse

testing policy. Seventh, police officers agree that it is important to have a well-disseminated drug abuse testing policy. And, eighth, police officers agree that it is important to be aware of the existence of the drug abuse testing policy in the workplace.

It is significant to address a number of textual comments written on the survey by police officers. Two trends are identified by these comments and reviewed to determine their validity. The first trend identified is related to a number of comments written regarding the system's process utilized by the Port Authority Police in randomly selecting police officers to be tested. In other words, how random is random? The results of this trend indicate that 81 percent agree that the drug abuse testing policy is fair in reducing drug abuse, 50 percent are 40 years old or less, 63 percent have an education level of less than a Bachelors Degree, 94 percent are males, 56 percent have 10 years or less in longevity, 69 percent are Caucasian, 94 percent are PBA members, and 100 percent are aware of the existence of the drug abuse testing policy in the workplace.

In order to clarify "how random is random," a request was made to the Port Authority Police for a sample from a six months period in how police officers are computer randomly selected. This sample received indicates that 287 police officers are

computer randomly selected for testing by age, gender longevity, and race in a six month period. The results indicate that 61 percent are under the age of 40, 90 percent are males, 58 percent have 10 years or less in employment longevity, and 76 percent are Caucasian. The second trend identified is related to the unawareness of the existence of the drug abuse testing policy in the workplace. The results of this trend indicate that 64 percent agree the drug abuse testing policy is fair in reducing drug abuse, 82 percent are 40 years old or less, 55 percent have an education of less than a Bachelor Degrees, 100 percent are male, 82 percent have 10 years or less, 55 percent are Caucasian, 100 percent are PBA members, and 91 percent are aware of the existence of the drug abuse testing policy in the workplace.

#### E. Discussion of the Results

In discussing the meaning of this study, the researcher discusses his own critical knowledge of the analysis of the results. This knowledge is based on the reflection of finding the meaning of the phenomenon examined, of what are the perceptions of police officers regarding fairness of a mandated drug abuse testing policy, the importance of having a sense of belonging to the police organization, and the fairness of the impact in participating in the design and implementation of the mandated drug abuse testing policy. In other words, what does

this study means in regards to policy-making and its consequences to those impacted? This section has a number of elements examining the true meaning of this fundamental phenomenon in the police culture.

#### 1. Researcher's Insights

On the basis of this study, the results indicate that the perceptions of fairness predictor items identify the perceptions of police officers regarding the fairness of the mandated drug abuse testing policy and indicate the importance of having a sense of belonging to the police organization and that participating in the design and implementation does have an impact regarding the fairness of the mandated drug abuse testing policy. These predictor items strongly suggest that police officers agree that the drug abuse testing policy is fair in reducing drug abuse, agree in the importance of participating in the design and implementation of the drug abuse testing policy, agree on the importance of having a sense of belonging to the police organization, agree on the importance of being familiar with personal/situational job factors crystallized awareness of the drug abuse testing policy, agree on the importance of having a clear, fully understood, and well-disseminated drug abuse testing policy, and agree on the importance of being aware of the existence of the drug abuse testing policy in the workplace.

The analysis of the narrative interview of the police administrator, Police Lieutenant, substantiates the police officers' responses in this study by indicating that the overall response from police officers being tested is positive. This response assures the Port Authority Police to feel comfortable with the existing drug abuse testing policy and there is no hope in changing the policy in the near future. This integration and generalized findings across variables in this study on police officers' perceptions of the drug abuse testing policy coincides with the researcher's goal.

The researcher's main premise for this study is based on Pressman and Wildavsky that "when a program depends on so many actors, there are numerous possibilities for disagreement and delays" (Pressman and Wildavsky 1984, 102). And, that "every program is likely to affect someone, somewhere, sometime" (Pressman and Wildavsky 1984, 116). And, "when a target group is the principal beneficiary of a program, they are more likely concerned with whether the results of the program," as in the Port Authority Police drug abuse testing policy, "makes any real difference in their lives" (Mazmanian and Sabatier, 1989, 12). In relation to Mazmanian and Sabatier, Pressman and Wildavsky, and the researcher's experiences in the Port Authority Police at the time of the implementation process, the Port Authority Police

drug abuse testing policy lacked police officer's participation in the design and implementation of the drug abuse testing policy which led him to conduct this study. The responses from police officers in this study provide a significant needed approach of cooperation during the design and implementation process, as they are impacted by the execution of the drug abuse testing policy. The responses does address in this study, the fairness of the Port Authority Police drug abuse testing policy. The researcher further indicates with confidence that the results are convincing and practical for future administrators to seek cooperation in the design and implementation of a drug abuse testing policy.

## 2. Relationship of the Current Study to Prior Research

There is specific deficiency in past research regarding police perceptions on drug abuse testing policies. In the literature found, there are a number of studies in other areas that reveal variables applicable to drug abuse testing perceptions. The revealed variables discussed in these studies provide the foundation for this study. The intention of this study is to seek a relationship of these variables to the police profession. This relationship provides a solid foundation, as well as setting the standards for other areas of study for future research.

The main premise of the study is based on Pressman and Wildavsky and Mazmanian and Sabatier. These premises address the theoretical framework in the design and implementation process. Pressman and Wildavsky views policy implementation as depended on numerous actors such as Port Authority police officers, who as a result, bring numerous arguments regarding the design and implementation of the drug abuse testing policy, which eventually affects them. Mazmanian and Sabatier add to the premise by addressing that "when target groups are the principal beneficiaries of a program, they are more likely concerned with whether the results of the program make any real differences in their lives" (Mazmanian and Sabatier 1989, 12). The problem with the Port Authority Police drug abuse testing policy is not the policy but how it was implemented.

"Cooperation is derived from a sense of duty, common interest in the cooperation of participant values, and exchange cooperation to receive in return for something other than achievement of the goals" (O'Toole and Montjoy 1984, 492). Cooperation should be "synchronized" in a coordinated fashion. Port Authority police officers "contributed to a common purpose at the right time and in the right amount to achieve coordination" (Pressman and Wildavsky 1984, 133).

Implementation requires a "balance of pressure and support" between those impacted (McLaughlin 1987, 171). The lack of "support, incentive, or constraints exist to influence" the motivation toward police officers (McLaughlin 1987, 175). Both the Port Authority Police and police officers "acted within the context of expectations that something would have happened that bear a passing resemblance to whatever was mandated by the initial policy decision" (Bardach 1977, 43).

According to the researcher, a bottoms-up policy implementation for the Port Authority Police drug abuse testing policy depends more on the skills of police officers' strategic interactions over time and the understanding of the interaction of the actors (Hanf et al. 1978). The will, attitudes, motivations, and beliefs exercised inspired the Port Authority Police and police officers' responses toward the goals and strategies set forth in the policy produces a fair drug abuse testing policy (McLaughlin 1987). To understand the variables that affect drug abuse testing perceptions, there is a need of factors such as, a need for the drug abuse testing policy, various organizational characteristics, program characteristics, and employee characteristics (Harris and Heft 1992).

Relationship of the current study to prior research on drug abuse testing policies is indicated by the highlighted

independent and dependent variables in different workplace settings and captures major themes used in the study. These studies suggest the need for more research. Some studies contain strengths which provide incentives for further theoretical research. The researcher uses these studies to develop an inquiry and develop dependent variables to the independent variable related to the research questions. The independent variable is the Port Authority Police drug abuse testing policy. The developed inquiry to the dependent variables is indicated by the perceptions of fairness predictor items in Table 4.2. These perceptions of fairness predictor items are derived from the subsidiary questions that address police officers' perceptions of a mandated drug abuse testing policy and examine how the process is utilized to execute the policy in the Port Authority Police. The present study relates to the highlighted perceptions of fairness predictor items and those findings found in related previous research in an effort to interpret the findings.

It is Evans et al. that sparks the interest in the researcher's mind to continue further research in this area. It is Evans et al. study, personal interest, impact made by the Port Authority Police drug abuse testing policy in its inception, and related research previously conducted by the researcher in his M.P.A. Thesis, that the researcher uses to set a foundation for

further research in the area of drug abuse testing policy (Evans et al. 2006 and Rojas 1998).

Drug abuse testing is mandatory for many safety sensitive occupations and for all organizations receiving government contracts equal to or greater than \$25,000 (Allison and Stahlhut 1995). This requirement is part of President Ronald W. Reagan signed Executive Order 12564 signed in 1986, Drug Free Federal Workplace (Appendix A). The Order specifically condemns the use of illegal drugs both on and off the job.

The police profession falls under this category for being a safety sensitive profession. Job safety sensitivity relates to the danger that an impaired performance on the job can have on oneself, one's coworkers, or the public (Murphy et al. 1991). Bereman et al. failed to find a significant effect on job safety and perceptions of drug abuse testing policies but according to Latessa et al. study, a "considerable consensus exist that testing is appropriate where employee impairment jeopardizes public safety or perhaps tarnishes the public trust accorded to an occupation group (e.g., as in the case of a police officer)" (Latessa et al. 1988, 390). Drug abuse testing policies are fair when employees believe their safety and that of the public can be impacted by drug abuse (Crant and Bateman 1989). The potential harm to employees and the public generate favorable perceptions

to drug abuse testing (Murphy et al. 1990). If drug abuse testing policies have favorable perceptions in sensitive jobs, then drug testing is associated favorably to the consequences for testing positive (Tepper 1994). Drug abuse has numerous negative effects on performance such as increase incidents of accidents, injuries, absences, more use of leave time, involuntary turnovers, job withdrawal behaviors, extended lunch breaks, and sleeping on the job (Paronto et al. 2002). The Substance Abuse and Mental Health Services Administration indicate that 73 percent of employees are drug abusers (SAMHSA 2000). This is a great number and further inquiry should be conducted because the police profession is not immune to these results.

Evans et al. conducted a study on 9<sup>th</sup> - 11<sup>th</sup> graders on the fairness perceptions of a drug abuse testing policy. They hypothesize that based on previous findings; students' perceptions "hold more negative perceptions regarding the fairness of the policy" (Evans et al. 2006, 453). Their findings indicate that students agree by 74.1 percent that the drug abuse testing policy reduces drug abuse. In a contrasting study, the data from the Youth, Education, and Society, and Monitoring the Future on male athlete students suggest that no relationship is found in whether random drug testing has any significance perception with drug abuse (Yamaguchi et al. 2003). In another

study, on students' perceptions, examines the data from the Student Athlete Testing Using Random Notification (SATURN) project at 2 Oregon High Schools and their results state that after the drug abuse testing policy goes into effect, there is a decrease in the number of student athletes drug abuse (Goldberg et al. 2003).

The researcher's experiences during the inception of the Port Authority Police drug abuse testing policy and the negative impacts observed during this time, led him to believe the same notion, that as a result of the times about the drug problem, the availability of drugs and societal problem with drug abuse, would be impossible to have a fair drug abuse testing policy.

However surprisingly, as in Evans et al., the present study findings indicate that Port Authority police officers agree by 79 percent that the drug abuse testing policy is fair in potentially reducing drug abuse. This reveals that the majority of Port Authority police officers strongly believe in the usefulness of drug abuse testing, the seriousness of the drug problem, and who are in favor of strong penalties (Linn et al. 1990). In addition, the consequences for positive results should be less punitive. In other word, the policy should be more rehabilitative than termination (Arthur and Doverspike 1997). Contrary to another study, favorable perceptions exist toward

drug abuse testing policies in support for harsher penalties for first offenses (Labig 1992). In comparison to this study, only 33 percent of Port Authority police officers agree that drug abuse should be treated as an illness leading to believe that strong penalties should be given out to police officers testing positive.

There are several text comments made on the survey about the drug abuse testing policy. These are: "increase frequency," "drug policy should remain strict for a zero tolerance," "more tests," "everybody required to test," "should be done more often," "make it more and black white and clear-up the gray areas," "have everyone tested twice a year," "using illegal drugs is illegal and the cop should be fired," and "if you're a cop, you should not use drugs, period." The researcher believes that these types of comments are not uncommon by the police profession because they are the guardians of doing the right things in society and believed that drug abuse does not belong in policing. These comments send strong messages that drug abuse has no place in policing.

There are findings that indicate that a favorable perception for strong confidentiality procedures in drug abuse testing policies by employers is essential for new applicants when seeking employment because "confidentiality of test results

ensure that employers do not abuse their power they have over their employees" (Sujak et al. 1995, 403). This protects employers against liability for defamation for disclosing employees' records (Crown and Rosse 1988). Informing other employers that an employee failed a drug abuse test has a risk liability (Bible and McWhirter 1990). Confidentiality of employee records has a fairness perception in drug abuse testing policies (Gomez-Mejia and Balkin 1987). Also, violations of confidentiality procedures tend to erode the existing relationship between employer and existing employees or new job applicants (Bies 1993). Drug abuse testing policies fairness perceptions are more favorable when there is a high level of worker protection privacy (Blum et al. 1989). For an effective drug abuse testing policy, testing results need to be kept strictly confidential (Bible and McWhirtyer 1990). Drug abusers or previous drug abusers' perceptions are negatively impacted when seeking employment at organizations, such as police, with drug abuse testing policies, because of their history of abusing drugs (Crant and Bateman 1990). In response to these studies, Port Authority police officers agree by 96 percent that it is important to maintain a strong confidentiality procedure in drug abuse testing policies. They also agree by 52 percent that the

Port Authority Police should depend on the U.S. Privacy Act, as a strategy to safeguard police drug abuse testing results.

Danger to workers, co-workers, or the general public associate with the occupation, as in the police profession, is a significant factor in a favorable drug abuse testing policies (Murphy et al. 1991). In analyzing the results for this study, the police profession is a very dangerous profession in the New York City metropolitan area. The police are held accountable to higher degree of standards with the public. Drug abused police officers can be dangerous to themselves, co-workers, as well as the public and eroding the reputation of the police department. In light of Murphy et al. 1990, Evans et al., and Goldberg et al. that an unfavorable perception exists if the drug abuse testing policy is view unfair, the Port Authority Police has a drug abuse testing policy that is fair in potentially reducing drug abuse.

Drug abuse testing policy perceptions are more favorable when employees are familiar with the drug abuse testing policy because there is a "greater vested interests in the organization designed to protect themselves and others, to increase productivity, reduce accidents, and so on" in blue collar occupations such as police (Moore et al. 1998, 136).

Employee involvement, as in the design and implementation of the drug abuse testing policy, has a favorable perception of

the drug abuse testing policy (Gomez-Mejia and Balkin 1987). The police profession is a blue collar profession and the response by Port Authority police officers agree by 81 percent that it is important to participate in the design and implementation of the drug abuse testing policy, agree by 98 percent that it is important to have a sense of belonging to the police organization, and agree by 92 percent that is important to be familiar with personal and situational job factors crystallized awareness of the drug abuse testing policy. These responses correlate with Moore et al. findings. For a successful drug abuse testing policy to be implemented, there needs to be a favorable understanding of employee participation in the design and formulation of organizational policies to foster high levels of job commitment and job satisfaction (Moore et al. 1998).

Favorable perceptions are related to age (Linn et al.1990). Younger employees have less favorable perceptions toward drug abuse testing policies than older employees (Crant and Bateman 1990, and Blum et al.). In this study, age relationship reveals that 83 percent of the police officers are 40 years old or less and their response are that they agree that the Port Authority Police drug abuse testing policy is fair in potentially reducing drug abuse.

Bereman et al. examines employees' demographics in determining how it affects employees' perceptions of drug abuse testing policies and found that age, gender, education levels and employment longevity does have an impact on drug abuse testing policies. According to Moore et al. findings, education and knowledge of the drug abuse testing policy derives more favorable perceptions. Employees with greater levels of education hold more compassionate perceptions toward drug abusers and less support toward drug abuse testing policies (Blum et al. 1989). In this study, as in Moore et al., the findings are similar to the Port Authority Police responses which reveals that 67 percent of police officer's had Bachelor's Degrees or higher and 87 percent of police officers are aware of the existence of the drug abuse testing policy in the workplace. These findings coincide with Moore et al. findings that being college educated and being aware of the existence of the drug abuse testing policy in the workplace is important to understand the need for a favorable drug abuse testing policy.

Konovsky and Cropanzano state that employees' perceptions need to be understood and are an important element when implementing drug abuse testing policies. There needs to be an understanding of organizational and program perceptions to understand the effects of drug abuse testing policies (Harris and

Heft 1992). Favorable perceptions are associated with employees with strong beliefs in drug abuse testing, seriousness of the problem, and strong believers in big penalties (Linn et al. 1990). Favorable perceptions relate toward organizations, for example a great interest in working for organizations, and the willingness to be employed by these organizations (Crant and Bateman 1990). Organizations, such as the Port Authority Police, are viewed as being concerned with employee safety, the public, its image, and reputation. And, that the Port Authority Police is a highly desirable organization to be employed.

The researcher's experiences in the Port Authority acknowledges that within the States of New York and New Jersey, there are no other police departments with a greater reputation with higher salaries, benefits, and bi-state police jurisdiction than the Port Authority Police including the New York State Police and the New Jersey State Police. Drug abuse testing perceptions are favorable when it is conducted on incoming applicants (Bennett et al. 1994). On the other hand, potential new applicants only have a desire to apply to organizations with no drug abuse testing policies (Crant and Bateman 1990). Accordingly, they have significantly less attraction to organizations with a drug abuse testing policy (Paronto et al. 2002). The lesser the attraction exhibited, the higher the

negative perception relationship that exist between drug treatment and the type of organizational attractiveness. Drug abusers tend to view drug abuse testing policies unfavorable because they view these programs as targeting them (Bauer et al. 1998). New applicants also hold more favorable perceptions to organizations that do not have a drug abuse testing policy than organizations that do have a drug abuse testing policy. Drug abuse testing policies are criticized and viewed as harassment or have negative impact on new applicants (Rothman 1988). Drug testing sends a negative message to employees who cannot be trusted to behave in a responsible manner while performing their duties (Hecker and Kaplan 1989). This message has negative impact on employee morale and productivity, solving one problem but creating another (Bennett et al.1994). If there is no impairment on the employee's job performance, drug abuse testing is seeing as intrusive and leads to distrust, resentment, and hostility (Masi 1987). Trust is an important determinant of procedural fairness perception (Tyler and Lind 1992). When implementing drug abuse testing policies, employers need to be cognizant of unfavorable perceptions impacting new or existing employees (Sujak et al. 1995).

Past drug abusers have less favorable perceptions to drug abuse testing than those who never abused drugs but favorable

perceptions to rehabilitative programs for testing positive (Truxillo et al. 2001). These types of responses are indicated by those who abuse drugs and not by those who never abuse drugs. The pattern of behavior is based on the theory of cognitive dissonance which suggested that a person with previous drug abuse tends to have inconsistent beliefs and attitudes toward a drug abuse testing policy (Fishbein and Ajzen 1975). In response to these studies, Port Authority Police officers agree by 70% that a drug abuse testing policy adequately addresses the issues of recruitment, retention, trust in management, employee satisfaction, performance, and rehabilitation of former drug abusers who then become police officers.

Drug abusers and their perceptions toward drug abuse testing policies are unfavorable toward drug abuse testing policies and favorable toward drug abuse treatment (Paronto et al. 2002). As drug abuse increases and States continue to decriminalize drugs, employers continue to pick-up the expenses for drug treatment and "employee reactions to drug abuse testing and treatments are more important than ever" (Paronto et al. 2002, 1159). Employers take action by implementing drug abuse testing policies to reduce negative employee behavioral problems (Bennett et al. 1994). These negative behavioral problems include: incidents of accidents, injuries, absences including the

increase use of leave time, involuntary turnovers, job withdrawal behaviors, lawsuits, extended lunch breaks, negative image to the organization, and sleeping on duty. To employers these negative behavioral problems appear to be more important than changing their behavior resulting from drug abuse testing policies (Crant and Bateman 1990). The cost for addressing these negative behavioral problems is very costly. In an effort to address the cost of drug abuse testing policies, resistance to the drug abuse testing policies can be accomplish by "informing employees well in advance of drug test dates and using employee assistance programs rather than using discharge in response to the detection of use of drugs" (Stone and Koch 1989, 521). For example, conducting drug abuse testing on their hiring anniversary dates (Stone and Bommer 1990). Favorable perceptions exist toward treating drug abuse more important than drug abuse testing (Bennett et al. 1994). In this study, Port Authority police officers agree by 67 percent to treat drug abuse as an illness. In comparison to Blum et al., 81 percent of the respondents agree that employees with a drug abuse problem be treated as an illness (Blum et al. 1989). This is an area that needs to be research further for a potential solution to the drug abuse problem in the United States. Alcoholism is a disease. Drug addiction, as alcohol addiction, is a health problem rather than a criminal

justice problem. The United States government needs to view and accept the fact that drug abuse is a problem with no solution and change their perspectives or attitudes toward drug abuse as they did with alcohol abuse. The reward for this change is tremendous in freeing the law enforcement community's efforts to combat the War on Drug and treat it, as what it is, a losing war. Instead, concentrate its efforts in controlling the flow of drugs into the country. Manufacturing drugs in home labs, transporting drugs, and selling drugs should continue to be outlawed, just as alcohol manufactured at home, transporting across state lines, and selling it is outlawed since it lacks the appropriate tax regulations and stamps.

Organizations with a voluntary drug treatment policy are more attractive to participants than organizations with monitored treatment policy (Paronto et al. 2002). Relative to this, Port Authority police officers agree by 70 percent that a drug abuse testing policy needs to address the issues of former drug abusers who then become police officers. Addressing the issues, such as recruitment, retention, trust in management, employee satisfaction, performance, and rehabilitation are important factors for employers to address when employing former drug abusers. Port Authority police officers also agree by 85 percent that it is important for the police organization to have a drug

abuse educational program to educate all police officers on the consequences of abusing drugs. Port Authority police officers also agree by 80 percent that it is important for the police organization to have a drug treatment program to rehabilitate all police officers testing positive for drug abuse.

Numerous police departments in the United States hire and accept new applicants who have experimented or who may have been drug abusers in the past. These applicants are investigated, screened, and hired on an individual case. The reality of the drug abuse problem in the United States is a great problem that it is no surprise that a large portion of the population has experimented with illegal drugs including police officers. To some, this error in judgment does not present itself until individuals realizes later in life, especially when they apply to sensitive employment positions such as policing, that drug abuse is a mistake . Police departments understand that a portion of society has succumbed to drug abuse and therefore have to deal with the same problem when recruiting police officers. The reality is that police department does not have a choice but to hire a pool from this portion of society.

Drug abuse testing policies fairness perceptions are more favorable when the procedures are geared toward rehabilitation (Konovosky and Cropanzano 1991). Programs with an opportunity

for rehabilitation are seen as programs providing a second chance to anyone testing positive for drugs (Gilliland 1993). The Port Authority Police does not have an educational or drug abuse treatment programs, however in this study police officers agree by 85 percent that it is important for police organizations to have drug abuse education programs to educate all police officers on the consequences of abusing drugs and agree by 80 percent that police organizations should have drug abuse treatment programs to rehabilitate all police officers testing positive for drug abuse.

The Port Authority Police has an organizational intervention program for alcohol and drug abuse. The program is open to police officers who came forward and identify the need to enter the program. At times, police officers want to enter the program at the last minute, when it is too late, or the organization becomes aware of the problem or abuse of drugs. In most of these cases, police officers are caught in situations which display irrational behaviors, involvement in accidents, or have tested positive for alcohol abuse or drug abuse, establishing probable cause for drug abuse testing which in these cases are viewed as a favorable perception (Sujak et al. 1995). Disciplinary charges are brought against the police officer and both the PBA and Port Authority Police conduct a hearing to ascertain the circumstances and view what is in the best interest

for the police officer and the Port Authority Police. The disposition of the hearing allows the police officer to enter a drug abuse program or terminate the police officer. According to the Police Lieutenant charged with executing the drug abuse testing policy, the Port Authority Police allows a one-time chance for police officers testing positive to enter a drug treatment program.

Perceptions of drug abuse testing policy are examined from personal and situational job factors crystallized awareness about the drug abuse testing policy that determine perceptions (Bennett and Lehman 1996). Employee perceptions become crystallized; "when the policy is relevant to employee comfort and productivity" (Bennett and Lehman 1996, 833) or as, according to Jones and Davis concept of a "hedonic relevance" which is a function of its motivational significance for the perceiver," (Jones and Davis 1965, 237) as when there is no impact on non-drug abusing employees who are exposed to drug abusing co-workers (Beattie et al. 1993), and "when the policy may be a direct concern or threat to the employee" (Bennett and Lehman 1996, 833), or as according to Jones and Davis concept of "personalism which distinguishes between the choices which are conceivably affected by the presence of the perceiver and choices which are not conceivably so affected" (Jones and Davis 1965, 247), as when

"applicants have invested little in a job for which they are rejected, while employees perceive a dismissal as a great personal loss" (Murphy et al. 1990, 629). Their results indicate that: a. those who are not satisfied with the drug abuse testing policy have the least number of drug abuse and the highest in co-worker drug abuse, b. those who are satisfied with the drug abuse testing policy have the lowest co-worker drug abuse and high job identity, c. those who are anti-policy to the drug abuse testing policy have the highest drug abuse of co-worker drug abuse, d. those who are pro-policy with the drug abuse testing policy have the lowest personal drug abuse, low co-worker drug abuse, high job identity, and a willing to apply more sanctions to employee drug abuse, and e. those who are uninformed about the drug abuse testing policy have low co-worker drug abuse and have low job identity. Drug testing policies address normative regulations, the quality and organization of work, factors external to the workplace, and the drug abuse subculture culture (Ames and Janes 1992).

In response to Bennett and Lehman's study, Port Authority police officers agree by 92 percent that it is important to be familiar with personal and situational job factors crystallized awareness about the drug abuse testing policy (Bennett and Lehman 1996). This great response indicate that Port Authority police

officers perceptions are well crystallized and they understand the importance for the need of being aware of personal and situational job factors crystallized about the drug abuse testing policy. Port Authority police officers have crystallized their perceptions on the drug abuse testing policy by their feeling of personal and situational job factor comfort with the drug abuse testing policy and that the Port Authority Police has a direct safety concerns toward them when it comes to drug abuse.

In police drug abuse testing policies, educational and drug abuse treatment programs are important to prevent and treat police officers affected by drug abuse (Gossop and Birkin 1994). Also, there is a need to train supervisors to identify characteristics of drug abusers and confrontational counseling of suspected police officers (Googins and Kurtz 1980). Supervisors and police officers are sometimes unsupported or unaware of the existence of the drug abuse testing policy. There have been a number of controversies regarding how to make drug abuse testing policies more effective and how to make employees more aware of the existence of drug abuse testing policies and more responsive to the drug abuse testing policy (Cavanaugh and Prasad 1994).

The Port Authority Police has drug abuse testing since 1992. Police recruits are made aware of drug abuse testing during their Police Academy training and are randomly tested

throughout their training. After graduation, they are assigned to different Police Commands in New York and New Jersey and are randomly drug abuse tested throughout their police career. According to the Police Lieutenant charged with the execution of the drug abuse testing policy, this random drug testing is done through a computer random selection. Approximately 15 police officers are selected on a weekly basis for a total of approximately 574 police officers every year out of a total of 1397 police officers. In this study, 87 percent of the Port Authority police officers responded of their awareness of the existence of the Port Authority Police drug abuse testing policy in the workplace. This response percentage of 87 appears to be low when 80 percent of the police officers have 10 years or less longevity. This response is attributed to the randomness of the drug abuse testing policy in that not everyone gets tested every year and simply may forget about the existence of the drug abuse testing policy, which according to the results of this study appear to be unlikely, to be the case. Based on the text comments made on the survey, some get tested more than once a year. For example, some of the comments were: "set a specific number of times an individual should get tested every year," "try alternative methods," "increase frequency," "every officers should be randomly tested twice a year," "not tested since

leaving the Police Academy," "should be done more often," "it should be more random," "some officers seem to get more tested than others," "method should be developed to test everyone," "tested numerous times within a two year span," and "told that some officers with 15 years have never been tested."

A screening skill performance test can improve drug abuse testing policy effectiveness (Trice and Steele 1995). Based on the literature available, the available drug abuse tests are urinalysis, hair analysis, and skill performance. There are several problems that exist with the inability for urinalysis drug abuse testing to detect employee job performance impairment which "lead to negative perceptions and behavior when it is perceived as invasive" (Comer and Buda 1996, 133 ). The results indicate that urinalysis drug abuse testing is unable to detect employee performance impairment causing unfavorable perceptions about drug abuse testing. Performance impairment skill tests, on the other hand, detects impaired behavior, is less expensive to administer, and interprets results faster than urinalysis drug testing, generating the results immediately (Fine 1992). Urinalysis drug abuse testing does "not provide information on the pattern of usage or the amount; does not indicate whether a person is abusing drugs or is addicted to them; they (normally) do not tell how recent the drug use is; and do not measure

impairment" (Axel 1990, 29). Drug impairment does not mean that you are unfit to work. For example, in alcohol testing, "urine samples are generally not considered very effective, since the body metabolizes this drug within a few hours of ingestion" (Axel 1990, 28). Not all drug users are unfit to work because "in the same way they take aspirins to deal with headaches, they can take illegal drugs to deal with attitudinal and emotional difficulties which improve productivity, in the same way legal drug abuse do" (Gill and Michaels 1992, 432). The inability of urinalysis to detect performance impairment and the lack of enhanced perception awareness of the entire urinalysis testing procedure, an alternative drug abuse testing methods needs to be found (Stevens 1990).

For this study, only the urinalysis drug abuse testing is utilized and the skill performance tests are address since the Port Authority Police Lieutenant charged with the execution of the drug abuse testing policy indicates that the Port Authority Police is not modifying the policy or changing the method of drug testing in the near future. In this study, Port Authority police officers agree by 36 percent that they believe there should be an alternative method, such as performance skill tests conducted instead of the urinalysis drug abuse testing to recognize performance impairment. Although, 61 percent agree they believe

that urinalysis drug testing has limitations, as it only indicate exposure to drugs and not performance impairment. Understanding that urinalysis drug abuse testing is limited, the only possibility of explanation for these results is to include hair analysis drug abuse testing, as an option.

Drug abuse testing policies are poorly communicated affecting the workplace situation and affecting employees' perceptions toward the drug abuse testing policies (Normand et al. 1994). Referring to past research, perceptions toward drug abuse testing policies are "inadequately disseminated, unclear, poorly implemented, resisted by supervisors, or that they communicate mixed messages to employees" (Bennett and Lehman, 843). In a study on the perceptions of Fortune 500 managers regarding the drug abuse testing policies, communication of drug abuse testing policies throughout Fortune 500 companies are inadequate (Kohut and Geurin 1991). In their findings, the majority of Fortune 500 companies have unfavorable perceptions on the drug abuse testing policies because of confusion about the clarity of the language in the policies and methods used to inform employees about the drug abuse testing policy. In this study, Port Authority police officers agree by 96 percent that it is important to have a clear drug abuse testing policy implemented. They also agree by 99 percent that it is important

to have a fully understood drug abuse testing policy implemented. And, they also agree by 91 percent that it is important to have a well disseminated drug abuse testing policy implemented. Unclear and misunderstood drug abuse testing policy compound legal and in-house problems, as they rise during daily operations and poor dissemination impact the overall perceptions of the policy. In the policing profession, morale in policing suffers, not only in the organization itself but in dealing with the safety of the public.

In developing a drug abuse testing policy, avoid overreacting to develop the policy, implement the policy slowly, involve employees and top management from policy development to implementation, and include drug treatment rehabilitation for those testing positive (Kohut and Geurin 1991). Involving employees and top management from policy development to implementation is essential for the Port Authority Police drug abuse testing policy.

Little research is done on the impact of unionized members toward drug abuse testing (Seeber and Lehman 1989). Researchers indicate that age, sex, and job longevity are related with unionization (Kochan 1979). Public unions have been more supportive of drug abuse testing, as a result of the more direct contact with the public, concerns about their judgment impairment

performance, and serious consequences in decision making than union members in the private sector (LeRoy1991). Unions have given employees more control and identity in the workplace and resist drug abuse testing to maintain control and identity (Duncan and Stafford 1980). Unions are recognized in their ability to improve job quality, safety, and if union members see drug abuse as a threat to job safety, then accepting a drug abuse testing policy should have favorable perceptions to working conditions. The problem with union and drug abuse testing is that "drug use is associated with crime, rehabilitation, self-control, and personal stress. Perceptions of union members reflect the current perceptions outside the workplace" (LeRoy 1991, 457). Drug abuse testing became a mandatory item and part of collective bargaining negotiations by the National Labor Relations Board (NLRB). Both, union members in drug abuse testing policies workplace and union members in non-drug testing policies workplace have similar perceptions about drug abuse testing as long as it contains controls and ensures individual privacy (LeRoy 1991).

According to the U.S. Department of Labor, 60 percent of employers with 5,000 or more employees have drug abuse testing policies (U.S. Department of Labor 1989). Drug abuse is found in younger generation in the workplace having less work experience

(U.S. Bureau of National Affairs 1986). In another report, drug abuse is concentrated among men and among people under 30 years of age (U.S. Department of Health and Human Services 1987).

In the Port Authority Police drug abuse testing policy, the PBA was contacted to be involved in the development of the policy. Both entities reached an agreement for the drug abuse testing policy which is still in effect. Before 1991, the Port Authority Police followed the General Rules and Regulations for All Port Authority Employees for disciplinary action (Appendix H). These General Rules and Regulations continue to regulate behaviors for all Port Authority employees including the police. In 1991, the Port Authority Police implemented a reasonable suspicion drug policy that became a contract negotiating item for the 1991-1996 labor contract (Appendix D1). In 1996, the Port Authority Police implemented the drug abuse testing policy that became a contract negotiating item for the 1996-2010 labor contract (Appendix D2).

The Port Authority Police drug abuse testing policy have similar recommendations made by Kohut and Geurin, for example when there is no overreacting, it takes years to implement, involves the PBA, and emphasize that positive drug testing results end in termination, one ends with a fair drug abuse testing policy. According to the Port Authority Police

Lieutenant charged with the execution of the drug abuse testing policy, police officers testing positive are given a disciplinary hearing and based on the facts of the hearing, they are given a one-chance opportunity to enter a drug treatment program and upon completion, return to active police duty. Participation between the PBA and the Port Authority Police in the design and implementation of the drug abuse testing policy is view favorable to the fairness of the policy resulting in a 96 percent of the Port Authority police officers are members of the PBA (Arthur and Doverspike 1997).

### 3. Analysis of Statistical Test

In this study, a statistical test, Analysis of Variance (ANOVA) that underlies normal distribution, is conducted to determine differences between groups to provide both the strength and statistical significance of relationships. It also determines whether differences between the groups are greater than differences within the groups. The following variables are used: age, education, ethnicity, gender, longevity, PBA membership, and drug abuse testing policy awareness in the workplace. Bennett et al. indicates that these variables affect employees' perceptions of drug abuse testing policies. Linn et al. found favorable perceptions for age. Moore et al., found that education and awareness of the drug abuse testing policy in

the workplace derives more favorable perceptions. Blum et al. found that employees with greater levels of education hold more compassionate perceptions toward drug abusers and less support toward drug abuse testing policies. In this study, there are several numbers of statistical analyses for variables that indicate statistical significance differences between these variables.

To analyze statistical significance differences between the groups, two group intervals are created, as there is a limitation in the variable data found in the survey. These group intervals are indicated to compare and evaluate whether the difference between the two meanings are statistical significant. The only variables found with statistical significance differences are age, gender, and longevity of employment.

The age variable group interval is created between group 1 (21-40 years old) and group 2 (41-60+ years old) compared to the eight perceptions of fairness predictor items which addresses police officers' perceptions to the drug abuse testing policy. The analysis of the data indicate that there is a .028 statistical significance differences between these two groups in the importance of being aware of the existence of the drug abuse testing policy.

The gender variable group interval is created between group 1 (male) and group 2 (female) compared to the eight perceptions of fairness predictor items which addresses police officers' perceptions to the drug abuse testing policy. The analysis of the data indicate that there is a .008 statistical significance differences between these two groups in the importance to have a fully understood drug abuse testing policy.

The longevity of employment variable group interval is created between group 1 (0-10 years) and group 2 (11-20+ years) compared to the eight perceptions of fairness predictor items which addresses police officers' perceptions to the drug abuse testing policy. The analysis of the data indicates that there is a .041 statistical significance differences between the two groups in the importance of an awareness of the existence of drug abuse testing policy.

#### 4. Analysis of Survey Text Comments on the Drug Abuse Testing Policy

The survey instruments contains two questions for respondents to text-in: a. suggestions to improve the drug abuse testing policy and b. provide additional comments you feel appropriate regarding the drug abuse testing policy. These two responses contain two identifiable trends: a. how random is random and b. unawareness of drug abuse testing policy's existence. Table 5-1 shows the first trend, how random is random

and Table 5-2 shows the second trend, unawareness of drug abuse testing policy's existence.

Table 5-1 Trend: How Random is Random?

1.	"Increase frequency"
2.	"It is a random test, but how random is random?"
3.	"The random test is not enough of a deterrent. Every officer (police up to the Superintendent of Police) should be tested once every two years."
4.	"More test. Have not been tested since I got out of the Academy."
5.	"No random testing. Everybody required."
6.	"Should be done more often."
7.	"Make sure officers get tested equally."
8.	"I believe it should be more random."
9.	"Standard testing and procedures - apply to all."
10.	"Why some officers get tested once in a while and why others get tested two or three times in a close proximity of time? How could it be random?"
11.	"I think they should use your last number of your Social Security number, it would test a lot more people."
12.	"I was told by some officers that they were never tested in 15 years of service."
13.	"Ensure randomness and ensure confidential screening."
14.	"Not sure how random it is. Some officers seem to get tested more than others."
15.	"Random testing does not test everyone on the job. Some types of methods should be developed to test everyone at some time."
16.	"Have everyone tested at least two times a year."

Table 5-1 shows the text comments made by police officers which exposes the question of how random is random regarding the drug abuse testing policy. These comments raise a serious question regarding how the Port Authority Police selects candidates to be drug tested. The overall understanding by police officers is that the selection is computer random selection. The

Port Authority Police Lieutenant charged with the execution of the drug abuse testing policy confirms that the selection of police officers' candidates to be tested is through a computer random selection. These comments brought forth the question of, how random is random? The researcher, upon reviewing the descriptive data and identifying this trend, contacted the Police Lieutenant and requested the computer data obtained from the selected police officers for drug testing as to their age, gender, longevity, and race from January-June 2010 to determine how random is random. Based on the information received, a descriptive analysis is made and the following is found: on age, 61 percent of the police officers tested are in the range of 21-40 years old and 39 percent are in the range of 41-60+ years old, on gender, 90 percent of the police officers tested are male and 10 percent are female, on longevity, 58 percent of the police officers tested are in the range of 10 years or less and 42 percent are in the range of 11-20+ years. In comparison to the age range in this study, 83 percent of the police officers are 40 years old or less and 17 percent are 41-60+ years old. In comparison to the gender in this study, 83 percent of the police officers are male and 17 percent are female. And, in comparison to longevity in this study, 80 percent of the police officers have 10 years or less and 20 percent have 11-20+ years. These

comparisons do not appear to have any type of skew in one direction or another. The numbers appear to reflect within the average of those within the study indicating that the Port Authority Police seems to be "on-target," as far as the randomness of the drug abuse testing policy. However, interestingly, 81 percent or 13 of these 16 police officers who questioned the randomness of the drug abuse testing policy indicate that the Port Authority Police drug abuse testing policy is fair in potentially reducing drug abuse. This is an area for further study, as to why police officers agree with the fairness of drug abuse testing policies and yet, comment as to the randomness of the policy.

Table 5-2 exposes the comments made by police officers regarding the unawareness of the drug abuse testing policy. In analyzing the descriptive data in this group of police officers, 91 percent or 10 police officers responded that they are aware of the existence of the Port Authority Police drug abuse testing policy and 64 percent agree that the drug abuse testing policy is fair in potentially reducing drug abuse. This is another area for further study, as to why police officers agree of the awareness of the existence of the Port Authority drug abuse testing policy and that the drug abuse testing policy is fair in

potentially reducing drug abuse and yet, makes comments on the unawareness of the drug abuse testing policy.

Table 5-2 Unawareness of Drug Abuse Testing Policy Existence

1.	"Make officers more aware of the drug policy."
2.	"Make the drug policy more clearly to all members who are subject to screening."
3.	"Testing should be fair and impartial."
4.	"To have update classes every year to make sure people understand the policy."
5.	"Make the policy more understanding."
6.	"Make everyone aware of the policy and educate us."
7.	"Better understanding of the policy."
8.	"Make it more black and white and clear up "gray areas""
9.	"If tested positive, what is the criteria that would take place?"
10.	"You should come out with a program to educate and deal with police officers' immediately family members. How police officers handle drug abuse in their own family and get help to keep the suicide down."
11.	"Do you believe an officer should be terminated if he/she has a positive result?"

##### 5. Theoretical Implications of the Study

The implications of the findings reflect an understanding of the phenomenon that is examined which indicates the perceptions of Port Authority police officers regarding the fairness of a mandated drug abuse testing policy. Although there is a deficiency in past research on police officers' perceptions to drug abuse testing policies, these findings improve the phenomenon examined through the use of past related studies, official documents, archival documents, survey responses, and a narrative interview. The phenomenon examined is altered by the

added knowledge on police officers' perceptions toward drug abuse testing policies. The literature helps highlight important related issues, the professional experience of the researcher which reveals his innate participation in the Port Authority Police for twenty years as a police officer during the implementation stages of the drug abuse testing policy, and substantiating his witnessed allegations of police officers' perceptions toward the policy.

There are no prevailing theoretical models found in the perceptions of police officers to drug abuse testing policies. Therefore, this study does not prove or disprove any theory. However, this study does relate to past studies findings in specific areas of interest or study. These areas of interest or study are indicated in the perceptions of fairness predictor items, Table 4.2. In an effort to provide foundation for future research, the researcher lays the ground work through perceptions of fairness predictor items in Table 4.2 which contains numerous areas in police officers' perception to drug abuse testing policies for future researchers to select and expand in the interest of further knowledge.

With respect to research methodology, the implication in this study indicate that future research should be conducted solely through a qualitative method to better understand the

quality and specificity of the responses of police officers to mandated drug abuse testing policies. According to Musson, qualitative research can better explain the contradictions that enlighten individual behavior that produces a "sense of reality that people have about their own world and attempts to give a voice to that reality" (Musson 1998, 11). In qualitative research, "like other things people do, is a human construction, framed and presented within a particular set of discourses and conducted in a social context with certain sorts of social arrangement" (Punch 1998, 140). The approach utilized in this study is from a general to specific perspective by utilizing a number of perceptions of fairness predictor items, Table 4.2, to determine police officers' perception to a mandated drug abuse testing policy. For future research, the approach should be from specific to general perspective to yield more specific conclusive results.

## 6. Explanations of Unanticipated Findings

The results of this findings yield no surprises or unanticipated findings. However, the survey instrument contains two questions for respondents to text-in their comments about: a. suggestions to improve the Port Authority Police drug abuse testing policy and b. provide additional comments you feel appropriate regarding the Port Authority Police drug abuse

testing policy. As a result, two trends are identified from these responses, 16 comments are text-in on how random is random about the drug abuse testing policy and 11 comments are text-in about the unawareness of the existence of the drug abuse testing policy. Upon analyzing the 16 text-in comments about how random is random about the drug abuse testing policy, the researcher, surprisingly found that 81 percent or 13 of these 16 police officers indicate that the drug abuse testing policy is fair in potentially reducing drug abuse and yet, comment on the randomness of the drug abuse testing policy. And, upon analyzing the 11 text-in comments about the unawareness of the existence of the drug abuse testing policy, the researcher, again surprisingly, found that 91 percent or 10 of these 11 police officers indicate that the drug abuse testing policy is fair in potentially reducing drug abuse and yet, comment on the unawareness of the drug abuse testing policy. In analyzing these responses, it may be that police officers are an exceptional population who are constantly following police orders and although, they overall agree with the fairness of the drug abuse testing policy, these two questions allowed them to express themselves. These types of contradictory comments can be examined by future research using a qualitative approach.

## 7. Implications for Practice

While a single study cannot provide a sound basis for what are the perceptions of police officers regarding fairness of a mandated drug abuse testing policy, the ultimate audience for this study is the community of public administration, law enforcement scholarship, research, and study. The potential implications of this research extend to all policy makers and public sector employers, particular as they are affected by drug abuse testing policies and procedures. The limitations for this study are that it relates to similar mandated drug abuse testing policies, as the Port Authority Police. A limitation of strength in this study is the eight perceptions of fairness predictor items utilized. Police drug abuse testing policies throughout the United States vary significantly and these predictor items need to be seriously considered as future reference. In order to develop or modify a police drug abuse testing policy, numerous working and employee characteristics or factors need to be considered to bridge the gap between the finding of this study and the applications of the drug abuse testing policy discussed. There must be an importance for employers to be cognizant of unfavorable perceptions impacting new and existing employees (Sujak et al. 1995). There must be an avoidance of overreacting to develop the drug abuse testing policy, implementing the drug abuse testing policy slowly, involve employees and top management

from policy development to implementation, and drug treatment for those testing positive to be punished (Kohut and Geurin 1991). Stone and Bommer suggest conducting drug abuse testing on employees on their hiring anniversary dates. Stone and Koch indicate that resistance to drug abuse testing can be accomplished by "informing employees well in advance of drug test dates and using employee assistance programs rather than using discharge in response to the detection of the use of drugs" (Stone and Koch 1989, 521). And, a consideration that drug addiction, as alcohol addiction, should be treated as an illness, as indicated in this study.

The findings in this study correlate with other similar studies with the exception that this study relates only to the police profession.

#### 8. Recommendation for Future Research

Additional research is needed on police officers' perceptions to drug abuse testing policies, as there is a deficiency in the literature. As noted above, it is possible to compare this study to other police departments utilizing other methods of inquiry and approaches. A recommendation for additional research is to compare this study to larger sample and a different type of police department such as the State Police, city, county, or town police. The base structure of these police

departments provide a significant difference in the results compared to this study, as the Port Authority Police is a unique police department with a transportation agency, The Port Authority of New York and New Jersey, a bi-state agency created in 1921 by the United States Congress, serving the New York City metropolitan area.

Additional research is also needed in other public service agencies with a mandated or a non-mandated drug abuse testing policy exist. Policing or law enforcement agencies are not the only occupations affected by mandated drug abuse testing policies. The federal mandate, President Reagan's Executive Order 12564, and States that mirrors the mandate, also include occupations in sensitive occupations dealing with the public such as health, transportation, and others, as well as those occupations held by contracted employers in sensitive occupations dealing with the public.

As indicated in the previous section, the researcher suggests that a qualitative approach for cross-sectional or longitudinal studies be utilized to examine the significant difference in future research. This method of approach would provide a sense of full understanding from those impacted by drug abuse testing policies. The researcher's response regarding the comments found in the survey, led him to believe that a

qualitative approach will better suffice the understanding of those impacted by the drug abuse testing policy. With unlimited resources and time, the researcher could conduct a similar study utilizing a qualitative method with the same or larger sample. This would provide a better theoretical perspective of this study, research, or practice.

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*Executive Order 12564*

**EXECUTIVE ORDER 12564**

**THE WHITE HOUSE  
Office of the Press Secretary**

**For Immediate Release**

**September 15, 1986**

**EXECUTIVE ORDER**

**- 12564 -**

**DRUG-FREE FEDERAL WORKPLACE**

I, RONALD REAGAN, President of the United States of America, find that:

Drug use is having serious adverse effects upon a significant proportion of the national work force and results in billions of dollars of lost productivity each year;

The Federal government, as an employer, is concerned with the well-being of its employees, the successful accomplishment of agency missions, and the need to maintain employee productivity;

The Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces through a program designed to offer drug users a helping hand and, at the same time, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace;

The profits from illegal drugs provide the single greatest source of income for organized crime, fuel violent street crime, and otherwise contribute to the breakdown of our society;

The use of illegal drugs, on or off duty, by Federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public;

Federal employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not use illegal drugs;

The use of illegal drugs, on or off duty, by Federal employees impairs the efficiency of Federal departments and agencies, undermines public confidence in them, and makes it more difficult for other employees who do not use illegal drugs to perform their jobs effectively. The use of

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**illegal drugs, on or off duty, by Federal employees also can pose a serious health and safety threat to members of the public and to other Federal employees;**

**The use of illegal drugs, on or off duty, by Federal employees in certain positions evidences less than the complete reliability, stability, and good judgment that is consistent with access to sensitive information and creates the possibility of coercion, influence, and irresponsible action under pressure that may pose a serious risk to national security, the public safety, and the effective enforcement of the law; and**

**Federal employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves.**

**By the authority vested in me as President by the Constitution and laws of the United States of America, including section 3301(2) of Title 5 of the United States Code, section 7301 of Title 5 of the United States Code, section 290ee-1 of Title 42 of the United States Code, deeming such action in the best interests of national security, public health and safety, law enforcement and the efficiency of the Federal service, and in order to establish standards and procedures to ensure fairness in achieving a drug-free Federal workplace and to protect the privacy of Federal employees, it is hereby ordered as follows:**

### ***Section 1. Drug-Free Workplace.***

- (a) Federal employees are required to refrain from the use of illegal drugs.
- (b) The use of illegal drugs by Federal employees, whether on duty or off duty, is contrary to the efficiency of the service.
- (c) Persons who use illegal drugs are not suitable for Federal employment.

### ***Section 2. Agency Responsibilities.***

- (a) The head of each Executive agency shall develop a plan for achieving the objective of a drug-free workplace with due consideration of the rights of the government, the employee, and the general public.

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- (b) Each agency plan shall include:
- (1) A statement of policy setting forth the agency's expectations regarding drug use and the action to be anticipated in response to identified drug use;
  - (2) Employee Assistance Programs emphasizing high level direction, education, counseling, referral to rehabilitation, and coordination with available community resources;
  - (3) Supervisory training to assist in identifying and addressing illegal drug use by agency employees;
  - (4) provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues; and
  - (5) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis in accordance with this Order.

**Section 3. Drug Testing Programs.**

- (a) The head of each Executive agency shall establish a program to test for the use of illegal drugs by employees in *sensitive positions*. The extent to which such employees are tested and the criteria for such testing shall be determined by the head of each agency, based upon the nature of the agency's mission and its employees' duties, the efficient use of agency resources, and the danger to the public health and safety or national security that could result from the failure of an employee adequately to discharge his or her position.
- (b) The head of each Executive agency shall establish a program for voluntary employee drug testing.
- (c) In addition to the testing authorized in subsections (a) and (b) of this section, the head of each Executive agency is authorized to test an employee for illegal drug use under the following circumstances:
- (1) When there is a reasonable suspicion that any employee uses illegal drugs;
  - (2) In an examination authorized by the agency regarding an accident or unsafe practice; or

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- (3) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.
- (d) The head of each Executive agency is authorized to test any applicant for illegal drug use.

***Section 4. Drug Testing Procedures.***

- (a) Sixty days prior to the implementation of a drug testing program pursuant to this Order, agencies shall notify employees that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and inform them of the procedures for obtaining such assistance through the agency's Employee Assistance Program. Agency drug testing programs already ongoing are exempted from the 60-day notice requirement. Agencies may take action under section 3(c) of this Order without reference to the 60-day notice period.
- (b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.
- (c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures, consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided.
- (d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and agencies shall conduct their drug testing programs in accordance with these guidelines once promulgated.

**Section 5. Personnel Actions.**

- (a) Agencies shall, in addition to any appropriate personnel actions, refer any employee who is found to use illegal drugs to an Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation as appropriate.
- (b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs, *provided that* such action is not required for an employee who:
  - (1) Voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order, prior to being identified through other means;
  - (2) Obtains counseling or rehabilitation through an Employee Assistance Program; and
  - (3) Thereafter refrains from using illegal drugs.
- (c) Agencies shall not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, the head of an Executive agency may, in his or her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or the national security.
- (d) Agencies shall initiate action to remove from the service any employee who is found to use illegal drugs and:
  - (1) Refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or
  - (2) Does not thereafter refrain from using illegal drugs.
- (e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing any adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.

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- (f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, a criminal conviction, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.
- (g) Any action to discipline an employee who is using illegal drugs (including removal from the service, if appropriate) shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act.
- (h) Drug testing shall not be conducted pursuant to this Order for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of Title 21 of the United States Code received as a result of the operation of drug testing programs established pursuant to this Order.

**Section 6. Coordination of Agency Programs.**

- (a) The Director of the Office of Personnel Management shall:
  - (1) Issue government-wide guidance to agencies on the implementation of the terms of this Order;
  - (2) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program;
  - (3) Develop a model Employee Assistance Program for Federal agencies and assist the agencies in putting programs in place;
  - (4) In consultation with the Secretary of Health and Human Services, develop and improve training programs for Federal supervisors and managers on illegal drug use; and
  - (5) In cooperation with the Secretary of Health and Human Services and heads of Executive agencies, mount an intensive drug awareness campaign throughout the Federal work force.

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- (b) The Attorney General shall render legal advice regarding the implementation of this Order and shall be consulted with regard to all guidelines, regulations, and policies proposed to be adopted pursuant to this Order.
- (c) Nothing in this Order shall be deemed to limit the authorities of the Director of Central Intelligence under the National Security Act of 1947, as amended, or the statutory authorities of the National Security Agency or the Defense Intelligence Agency. Implementation of this Order within the Intelligence Community, as defined in Executive Order No. 12333, shall be subject to the approval of the head of the affected agency.

*Section 7. Definitions.*

- (a) This Order applies to all agencies of the Executive Branch.
- (b) For purposes of this Order, the term "agency" means an Executive agency, as defined in 5 U.S.C. 105; the Uniformed Services, as defined in 5 U.S.C. 2101(3) (but excluding the armed forces as defined by 5 U.S.C. 2101(2)); or any other employing unit or authority of the Federal government, except the United States Postal Service, the Postal Rate Commission, and employing units or authorities in the Judicial and Legislative Branches.
- (c) For purposes of this Order, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
- (d) For purposes of this Order, the term "employee in a sensitive position" refers to:
  - (1) An employee in a position that an agency head designates Special Sensitive, Critical-Sensitive, or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position that an agency head designates as sensitive in accordance with Executive Order No. 10450, as amended;

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- (2) An employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order No. 12356;
  - (3) Individuals serving under Presidential appointments;
  - (4) Law enforcement officers as defined in 5 U.S.C. 8331(20); and
  - (5) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.
- (e) For purposes of this Order, the term "employee" means all persons appointed in the Civil Service as described in 5 U.S.C. 2105 (but excluding persons appointed in the armed services as defined in 5 U.S.C. 2102(2)).
- (f) For purposes of this Order, the term "Employee Assistance Program" means agency-based counseling programs that offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs that affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

- This Order is effective immediately.

THE WHITE HOUSE,  
September 15, 1986.

RONALD REAGAN

## **DRUG-FREE WORKPLACE ACT OF 1988**

(Reprinted from *Combating Substance Abuse in the Workplace* by William Banta and Forest Tarrant, Lexington, 1989)

**SEC. 5151. SHORT TITLE.** - This subtitle may be cited as the "Drug-Free Workplace Act of 1988."

**SEC. 5152. DRUG-FREE WORKPLACE REQUIREMENT FOR FEDERAL CONTRACTORS.** -

- (a) **DRUG-FREE WORKPLACE REQUIREMENT -**  
(1) **REQUIREMENT FOR PERSONS OTHER THAN INDIVIDUALS.** - No person, other than an individual, shall be considered a responsible source, under the meaning of U.S.C. 403(8), for the purposes of being awarded a contract for the procurement of any property or services of a value of \$25,000 or more from any Federal agency unless such person has certified to the contracting agency that it will provide a drug-free workplace by -

(A) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(B) establishing a drug-free awareness program to inform employees about -

- (i) the dangers of drug abuse in the workplace;
- (ii) the person's policy of maintaining a drug-free workplace;
- (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) the penalties that may be imposed upon employees for drug abuse violations.

(C) making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A), that as a condition of employment on such contract, the employee will -

- (i) abide by the terms of the statement; and
- (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(E) notifying the contracting agency within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 5154; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (D), (E), and (F).

(2) REQUIREMENT FOR INDIVIDUALS. - No Federal agency shall enter into that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

(b) SUSPENSION, TERMINATION, OR DEBARMENT OF THE CONTRACTOR. -

(1) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT. - Each contract

awarded by a Federal agency shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to suspension or debarment, in accordance with the requirements of this section if the agency head of the granting agency or his official designee determines, in writing, that -

(A) the contractor or individual has made a false certification under subsection (a);

(B) the contractor violates such certification by failing to carry out the requirements of subparagraph (A), (B), (C), (D), (E), or (F) of subsection (a)(1); or

(C) such a number of employees of such contractor have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

**(2) CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS. -**

(A) If a contracting officer determines, in writing, that cause for suspension of payments, termination, or suspension or debarment exists, an appropriate action shall be initiated by a contracting officer of the agency, to be conducted by the agency concerned in accordance with the Federal Acquisition Regulation and applicable agency procedures.

(B) The Federal Acquisition Regulation shall be revised to include rules for conducting suspension and debarment proceedings under this subsection, including rules providing notice, opportunity to respond in writing or in person, and such other procedures as may be necessary to provide a full and fair proceeding to a contractor or individual in such proceeding.

**(3) EFFECT OF DEBARMENT. -** Upon issuance of any final decision under this subsection requiring debarment

of a contractor or individual shall be ineligible for award of any contract by any Federal agency, and for participation in any future procurement by any Federal agency, for a period specified in the decision, not to exceed 5 years.

**SEC. 5153. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL GRANT RECIPIENTS. -**

(a) **DRUG-FREE WORKPLACE REQUIREMENT. -**

(1) **PERSON'S OTHER THAN INDIVIDUALS. -**

No person, other than an individual, shall receive a grant from any Federal agency unless such person has certified to the granting agency that it will provide a drug-free workplace by -

(A) publishing a statement notifying employees that the unlawful manufacture, prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(B) establishing a drug-free awareness program to inform employees about-

- (i) the dangers of drug abuse in the workplace;
- (ii) the grantee's policy of maintaining a drug-free workplace;
- (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) the penalties that may be imposed upon employees for drug abuse violations;

(C) making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement required by subparagraph (A);

(D) notifying the employee in the statement required by subparagraph (A), that as a condition of employment in such grant, the employee will -

- (i) abide by the terms of the statement; and
- (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(E) notifying the granting agency within 10 days after receiving notice of a conviction under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;

(F) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 5154; and

(G) making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (D), (E), and (F).

(2) INDIVIDUALS. - No Federal agency shall make a grant to any individual unless such individual certifies to the agency as a condition of such grant that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with such grant.

(b) SUSPENSION, TERMINATION, OR DEBARMENT OF THE GRANTEE. -

(1) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT. - Each grant awarded by a Federal agency shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to suspension or debarment, in accordance with the requirements of this section if the agency head of the granting agency or his official designee determines, in writing, that-

(A) the grantee has made a false certification under subsection (a);

(B) the grantee violates such certification by failing to carry out the requirements of subparagraph (A), (B), (C), (D), (E), (F), or (G) of subsection (a)(1); or

(C) such a number of employees of such grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a)(1).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.** - A suspension of payments, termination, or suspension or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding Executive order and any regulations promulgated to implement such law or Executive order.

(3) **EFFECT OF DEBARMENT.** - Upon issuance of any final decision under this subsection requirement debarment of a grantee, such grantee shall be ineligible for award of any grant from any Federal agency and for participation in any future grant from any Federal agency for a period specified in the decision, not to exceed 5 years.

**SEC. 5154. EMPLOYEE SANCTIONS AND REMEDIES.** -

A grantee or contractor shall, within 30 days after receiving notice from an employee of a conviction pursuant to section 5152(a)(1)(D)(ii) or 5153 (a)(D)(ii) -

(1) take appropriate personnel action against such employee up to and including termination; or

(2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program

approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

**SEC. 5155. WAIVER. -**

(a) **IN GENERAL.** - A termination, suspension of payments, or suspension or debarment under this subtitle may be waived by the head of any agency with respect to a particular contract or grant if -

(1) in the case of a waiver with respect to a contract, the head of the agency determines under section 5152(b)(1), after the issuance of a final determination under such section, that suspension of payments, or termination of the contract, or suspension or debarment of the contractor, or refusal to permit a person to be treated as a responsible source for a contract, as the case may be, would severely disrupt the operation of such agency to the detriment of the Federal Government or the general public; or

(2) in the case of a waiver with respect to a grant, the head of the agency determines that suspension of payments, termination of the grant, or suspension or debarment of the grantee would not be in the public interest.

(b) **EXCLUSIVE AUTHORITY.** - The authority of the head of an agency under this section to waive a termination, suspension, or debarment shall not be delegated.

**SEC. 5156. REGULATIONS. -**

Not later than 90 days after the date of enactment of this subtitle, the government-wide regulations governing actions under this subtitle shall be issued pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

**SEC. 5157. DEFINITIONS. -** For purposes of this subtitle -

(1) the term "drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in section 5152 or 5153 of an entity at which employees of such entity are prohibited from

engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance with the requirements of this Act;

(2) the term "employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract described in section 5152 or 5153;

(3) the term "controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812);

(4) the term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes:

(5) The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance;

(6) the term "grantee" means the department, division, or other unit of a person responsible for the performance under the grant;

(7) the term "contractor" means the department, division, or other unit of a person responsible for the performance under the contract; and

(8) the term "Federal agency" as that term is defined in section 552(f) of title 5, United States Code.

#### SEC. 5158. CONSTRUCTION OF SUBTITLE. -

Nothing in this subtitle shall be construed to require law enforcement agencies, if the head of the agency determines it would be inappropriate in connection with the agency's undercover operations, to comply with the provisions of this subtitle.

**SEC. 5159. REPEAL OF LIMITATION ON USE OF FUNDS. -**

Section 628 of Public Law 100-440 (relating to restrictions on the use of certain appropriated amounts) is amended -

- (1) by striking "(a)" after "Sec.628.", and
- (2) by striking subsection (b).

**SEC. 5160. EFFECTIVE DATE. -**

Sections 5152 and 5153 shall be effective 120 days after the date of the enactment of this subtitle.



STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
RICHARD J. HUGHES JUSTICE COMPLEX  
CN 080  
TRENTON, N.J. 08625  
609 292-4919

W. CARY EDWARDS  
ATTORNEY GENERAL

October 22, 1986

TO: ALL LAW ENFORCEMENT AGENCY HEADS  
RE: LAW ENFORCEMENT DRUG SCREENING GUIDELINES

As a result of the growing concern over drug use in our society, I have received numerous inquiries from State, county and municipal law enforcement agencies regarding the urine testing of police officers. In response thereto, I requested that the New Jersey Criminal Justice Advisory Council thoroughly research current drug screening programs, existing drug testing technology, and the financial and operational impact of drug testing upon the law enforcement community. After several months of deliberation, the New Jersey Criminal Justice Advisory Council has submitted a report to me outlining their findings and recommendations.

After considering the Advisory Council's recommendations and the emerging case law, it is my view that the establishment of uniform statewide drug testing guidelines is absolutely necessary in order to maintain a drug-free law enforcement community and at the same time safeguard the rights of individual police officers.

As Attorney General of the State of New Jersey, it is my responsibility to ensure that our citizens are provided police protection by officers whose integrity and competence are beyond question. It is also my responsibility to ensure that the safety of our law enforcement officers is not undermined by illicit drug use within their ranks. While drug use among law enforcement officers in New Jersey is undoubtedly minimal, it cannot and will not be tolerated even to the slightest degree.

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Accordingly, I strongly urge that the following drug testing guidelines be adopted by all law enforcement agencies in the State.

1. All law enforcement applicants who will be responsible for the enforcement of the criminal laws of this State and who will be authorized to carry a firearm pursuant to 2C:39-6, should submit to a urinalysis prior to appointment.
2. An applicant who produces a confirmed positive test result indicating unlawful drug use or who refuses to submit a urine sample should be rejected from employment and should be barred from applying for any other law enforcement position for a minimum of at least two years.
3. Standard law enforcement application forms and existing guidelines for applicant background investigation should be revised to ensure disclosure of prior drug use or prior rejection from employment for drug related purposes.
4. Subsequent to appointment, all officers should be subjected to unannounced drug testing by urinalysis during mandatory basic training.
5. A trainee who produces a positive test result indicating unlawful drug use or who refuses to submit a urine sample should be dismissed from the training academy and from his law enforcement position, subject to any available rights to a hearing.
6. Permanently appointed law enforcement officers should be required to undergo further mandatory drug screening whenever there is individualized reasonable suspicion to believe that the officer is unlawfully using drugs. Officers should be tested under these circumstances only with the approval of the county prosecutor or chief executive officer of the department or his designee.
7. Permanently appointed officers who produce positive confirmed test results indicating unlawful drug use that are upheld after a fair and impartial hearing should be dismissed from employment.
8. Permanently appointed officers who willfully refuse to submit to urinalysis when there is reasonable suspicion to believe that the officer is unlawfully using drugs

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should be dismissed from employment, if, after a fair and impartial hearing, it is determined that the officer was properly ordered to undergo testing.

9. The identity of every law enforcement applicant, trainee and permanently appointed officer who has produced positive confirmed test results for unlawful drug use should be forwarded to a central registry maintained by the Division of State Police, River Road, West Trenton, New Jersey 08625.
10. All supervisors in law enforcement agencies should be required to undergo in-service training in substance abuse detection that will be offered through the Division of Criminal Justice.
11. Standard police department rules and regulations should be adopted to require that:
  - (a) officers must disclose the use of any drugs (prescription and over-the-counter) which may impair job performance;
  - (b) officers must report evidence of suspected drug use by other officers to department superiors;
  - (c) officers will be required to submit to mandatory drug testing whenever there is individualized reasonable suspicion to believe that they have been unlawfully using drugs;
  - (d) officers who refuse to submit to lawful orders to undergo drug testing or who produce positive test results for unlawful drug use will be dismissed from employment.

Given the severity of the recommended penalties for unlawful drug use by law enforcement officers, it is extremely important that strict measures be employed to ensure that all drug screening be conducted in accordance with legally accepted standards that ensure fairness and the reliability of test results. Although the case law is still not completely settled, it is my opinion that drug testing procedures must be reasonable, reliable and must adhere to due process considerations in order to satisfy constitutional requirements. Accordingly, the following minimum standards must be adhered to during drug testing of law enforcement applicants, trainees and permanently appointed officers.

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METHODS AND PROCEDURES  
FOR DRUG SCREENING

1. Urinalysis will be the primary method for the drug screening of law enforcement applicants, trainees and permanently appointed officers.
2. Established quality control and chain of custody procedures must be maintained throughout the entire testing process, from sample acquisition to delivery at the laboratory. Sample procedures recommended by the Criminal Justice Advisory Council are attached for your adoption.
3. All urine samples obtained from law enforcement applicants, trainees and permanently appointed officers will be delivered to the State Police Laboratory at Sea Girt for analysis.
4. No adverse action may be taken against an applicant, trainee or officer until the State Police Laboratory preliminary analysis and subsequent confirmation have been reported to the submitting law enforcement agency.

It should be noted that the guidelines outlined above do not in any way prohibit or regulate the urinalysis of law enforcement officers during regularly scheduled and announced medical examinations. In my view, the demands of the law enforcement profession warrant medical examinations of officers on a regular basis. I encourage agencies to provide for regular medical examinations to ensure that officers are physically fit to perform their duties without risk of harm to themselves or to others. These kinds of announced examinations may include urinalysis and are not intended to be regulated by these guidelines.

These guidelines are not intended to require the testing of civilian employees of law enforcement agencies. Given the diverse nature of civilian law enforcement positions, decisions regarding which employees should be tested are better left to local discretion. If testing of civilian employees is conducted, the methods and procedures set forth herein should be followed.

Obviously, full implementation of these guidelines by all law enforcement agencies is a complex undertaking that involves many significant legal and practical questions.

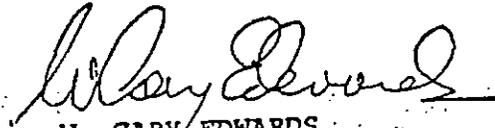
In order to resolve these questions and to bring about full implementation of these guidelines, I intend to seek legislation and the necessary state level funding within 60 days. I will also issue supplementary directives, legal opinions, proposed

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agency rules and regulations and other guidance that will facilitate the implementation of a rational statewide drug testing program in the near future.

The Division of Criminal Justice will continue to monitor drug testing in the law enforcement community and related litigation in order that appropriate revisions can be made to these guidelines if warranted.

In the interim, I recommend that wherever possible, drug testing consistent with these guidelines be instituted as soon as reasonable notice of testing requirements can be provided to those who may be tested. In order to protect the rights of those tested, law enforcement agencies that do initiate a drug screening program must comply with the attached testing methods and procedures for the drug screening of law enforcement applicants, trainees and veteran police officers.

  
W. CARY EDWARDS  
ATTORNEY GENERAL

## DRUG TESTING

### Attorney General's Law Enforcement Drug Testing Policy

Issued October 1986  
Revised August 1990  
Revised September 1998  
Revised June 2001

#### I. Applicability

##### A. This policy applies to:

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under *N.J.S.A. 2C:39-6*;
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under *N.J.S.A. 2C:39-6*.

- ##### B. This policy does not require law enforcement agencies to drug test applicants, nor does it require law enforcement agencies to implement a random drug testing program for sworn officers. However, law enforcement agencies have an independent obligation to undertake the drug testing of individual officers when there is reasonable suspicion to believe that the officer is illegally using drugs.

#### II. Types of drug testing

##### A. Applicants for a position as a law enforcement officer

1. Applicants may be required to submit a urine specimen at any time prior to appointment.

##### B. Law enforcement trainees

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission.
2. Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee

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is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the chief executive officer of the trainee's agency, or the academy director.

C. Sworn law enforcement officers

1. Urine specimens shall be ordered from a sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the county prosecutor or the chief executive officer of the officer's agency.
2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
3. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

III. Notification of drug testing procedures

A. Applicants

1. Agencies that choose to test applicants for law enforcement positions must notify those applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

B. Trainees

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1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in: a) the officer's termination from employment; and b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.
3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn law enforcement officers: reasonable suspicion testing

1. Each municipal law enforcement agency shall include in its rules and regulations as defined in *N.J.S.A. 40A:14-118*, and every county and state law enforcement agency shall include in appropriate standard operating procedures, a provision that individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report which documents the basis for the reasonable suspicion. The report shall be reviewed by the county prosecutor or the chief executive officer of the law enforcement agency before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. The agency's rules and regulations or appropriate standard operating procedures shall also provide that a negative result is a condition of employment as a sworn officer and that a positive result will result in: a) the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
4. The agency's rules and regulations or appropriate standard operating procedures shall further provide that officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test

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Attorney General's Law Enforcement Drug Testing Policy

positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

- D. Sworn law enforcement officers: Random drug testing
1. Law enforcement agencies may choose to implement a random drug testing program for their sworn law enforcement officers. Law enforcement agencies which establish a random drug testing program must do so by rule and regulation as defined in *N.J.S.A. 40A:14-118* for municipal law enforcement agencies or by appropriate standard operating procedures for county and state law enforcement agencies. Random drug testing cannot be implemented until rules and regulations establishing such a procedure have been in effect for a minimum of 60 days.
  2. Each agency's rules and regulations or appropriate standard operating procedures will, at a minimum:
    - a. State that all sworn members of the agency are eligible for random drug testing, regardless of rank or assignment.
    - b. State the number of officers to be selected each time a random selection takes place. This can be expressed as either a number of sworn officers or a percentage of the sworn officers, which in every case shall be less than the total number of sworn officers employed by the agency.
    - c. Establish a method of random selection which ensures that every sworn officer in the agency has an equal chance to be selected for a testing each and every time a selection takes place.
    - d. Establish a system by which the selection process can be verified and documented.
    - e. Permit a representative of the collective bargaining unit(s) to witness the selection process.
    - f. Provide that any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline.
    - g. Establish a system to collect urine specimens from selected officers in a prompt, efficient and confidential manner.

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- h. The agency's rules and regulations or appropriate standard operating procedures shall further provide that officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

IV. Specimen acquisition procedures

A. Preliminary acquisition procedures

- 1. The law enforcement agency shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
- 2. The monitor of the specimen acquisition process shall be responsible for:
  - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
  - c. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
- 3. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not

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received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.

4. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment C) advising the trainee that a negative result is a condition of employment and that a positive result will: a) result in the trainee being dismissed from basic training; b) cause the trainee to be dismissed from employment as a law enforcement officer by his or her appointing authority; c) cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and d) cause the trainee to be permanently barred from future law enforcement employment in New Jersey. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire (Attachment B) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.
5. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire (Attachment B) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.

B. Specimen collection

1. Throughout the test process, the identity of individual applicants, trainees and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
  - a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer shall void into the specimen collection container.

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- b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
  - c. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
4. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
5. Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
6. Trainees and sworn law enforcement officers shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
  - a. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
  - b. The law enforcement agency shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
  - c. The second specimen shall be released by the law enforcement agency under the following circumstances:

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- (1) The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
- (2) The law enforcement agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
- (3) The officer must designate a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
- (4) A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

V. Submission of specimens for analysis

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
  1. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier.
  2. Should a law enforcement agency choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
    - a. All submissions must be by "next day delivery."
    - b. In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

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- c. The State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering.

VI. Analysis of specimens

- A. The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for law enforcement agencies:
  - 1. All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
  - 2. Those specimens that test positive for a controlled substance following the fluorescence polarization immunoassay, shall be subject to a gas chromatography/mass spectrophotometry analysis to confirm the presence of the controlled substance.
  - 3. In the event a specimen is confirmed to be positive for a controlled substance following the gas chromatography/mass spectrophotometry, a medical review officer at the laboratory shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result. The medical review officer may direct the agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that specimen tested positive.
  - 4. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
    - a. amphetamine/methamphetamine;
    - b. barbiturates;
    - c. benzodiazepine;
    - d. cannabinoids;
    - e. cocaine;
    - f. methadone;
    - g. phencyclidine; and
    - h. opiates.

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5. The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

VII. Drug test results

- A. The State Toxicology Laboratory shall notify the submitting law enforcement agency of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the agency within 15 working days of the submission.
- B. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- C. The submitting agency shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. Under no circumstances may an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

VIII. Consequences of a positive test result

- A. When an applicant tests positive for illegal drug use:
  1. The applicant shall be immediately removed from consideration for employment by the agency;
  2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied; and
  3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
  4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the

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Division of State Police.

- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
  - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority;
  - 2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority;
  - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
  - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
  
- C. When a sworn law enforcement officer tests positive for illegal drug use:
  - 1. The officer shall be immediately suspended from all duties;
  - 2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action;
  - 3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
  - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.
  
- IX. Consequences of a refusal to submit to a drug test
  - A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  
  - B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

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- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  
- X. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
  
- XI. Record keeping
  - A. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
  
  - B. Each agency's drug testing records shall include but not be limited to:
    - 1. For all drug testing:
      - a. the identity of those ordered to submit urine samples;
      - b. the reason for that order;
      - c. the date the urine was collected;
      - d. the monitor of the collection process;
      - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
      - f. the results of the drug testing;
      - g. copies of notifications to the subject; and
      - h. for any positive result or refusal, appropriate documentation of disciplinary action.
  
    - 2. For random drug testing, the records will also include the following information:

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- a. a description of the process used to randomly select officers for drug testing;
  - b. the date selection was made;
  - c. a copy of the document listing the identities of those selected for drug testing;
  - d. a list of those who were actually tested; and
  - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the *New Jersey Internal Affairs Policy and Procedures*.

XII. Central Drug Registry

- A. Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment D.
- B. Notifications to the Central Drug Registry shall include the following information as to each individual:
  1. name and address of the submitting agency, and contact person;
  2. name of the individual who tested positive;
  3. last known address of the individual;
  4. date of birth;
  5. social security number;
  6. SBI number (if known);
  7. Gender
  8. Race
  9. Eye color
  10. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;

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11. date of the drug test or refusal;
  12. date of final dismissal or separation from the agency; and
  13. whether the individual was an applicant, trainee or sworn law enforcement officer.
- C. The certification section of the notification form must be completed by the chief or director, and notarized with a raised seal.
- D. Notifications to the central registry shall be sent to:
- Division of State Police  
State Bureau of Identification  
Central Drug Registry  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068
- E. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
  2. In response to a court order.

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## **POLICE OPERATIONS MANUAL**

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### **SUPERVISORY GUIDELINES FOR REASONABLE SUSPICION DRUG TESTING**

#### **I. INTRODUCTION**

All members of the Port Authority Police Force perform a sensitive and critical role in providing for the public safety. The Port Authority has a long-standing requirement of and commitment to the proper and efficient performance of that role. Drug abuse on the part of members of the force destroys the proper and efficient performance of that role by undermining the job performance of the abuser, jeopardizing the safety of the abuser, other members of the force, other employees, and the public. It also weakens public confidence in the force and significantly interferes with the public mission of the Port Authority. Unfortunately, drug abuse is not only a growing problem in society in general but in the force as well. Accordingly, it is essential that reasonably suspected drug abuse by a member of the force be dealt with properly and effectively.

Nothing contained herein is meant to prevent or prohibit a member of the police force from taking police action in the event he or she observes a crime or has probable cause to believe a crime is taking or has taken place.

This POI does not apply to the sale, use, manufacture, distribution or possession of alcohol, spirits, liquor, wine or beer, or impairment therefrom, which matters are covered by other Port Authority policies.

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## II. CURRENT POLICY

A. No member of the force under any circumstances shall sell, use, distribute, manufacture, or possess illegal drugs (see IV below, for definition). Exceptions to this policy may only be approved by the Director of Public Safety for specific law enforcement activities.

No member of the force shall use drugs (see IV below, for definition) on Port Authority property and/or while on duty unless approved to do so and in compliance with Paragraph D below.

No member of the force shall report for duty impaired by drugs.

Violation of any of these prohibitions will lead to disciplinary action, with a recommendation for termination of employment.

B. Members of the force who observe or have knowledge of another member violating this policy or being in a condition which might constitute a violation of this policy must promptly report this matter to the affected member's Commanding Officer or Tour Commander or, if neither is then available, to the Chief Inspector, Professional Standards Division, or the Inspectors of Field Uniformed Services. The failure of a member to do so shall lead to disciplinary action.

C. If a supervisor reasonably suspects (see IV below, for definition) that a member of the force is in violation of this policy, the supervisor must follow the procedures outlined in this POI. If approved to do so, the supervisor must require the member to report immediately to the Office of Medical Services or to another medical professional or facility selected by the Port Authority for purposes of a medical evaluation (see IV below, for definition) which will include a test for the presence of drugs unless the medical professional making the evaluation determines on the basis of medical evidence that a drug test is not warranted. A member's failure to follow a supervisor's directive to do so will lead to disciplinary action with a recommendation for termination of employment.

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D. Members of the force using drugs pursuant to prescription by a physician, which may lead to a violation of this policy must inform their supervisor, thereof, prior to the start of the member's first tour of duty after commencement of such use. The failure to do so shall lead to disciplinary action.

E. An office, locker, desk file cabinet or other repositories provided to a member of the force by the Port Authority on Port Authority property are the property of the Port Authority. Such offices, lockers, desks, file cabinets, or other repositories are furnished by the Port Authority exclusively for the storage by members of the force of work-related items or materials. Similarly, Port Authority vehicles are furnished by the Port Authority exclusively for work-related matters. Thus, there is neither a superior claim of privacy nor a reasonable expectation of privacy on the part of any member of the force in connection with an office, locker, desk, file cabinet or other repository or vehicle furnished by the Port Authority or their contents.

When there is a reasonable suspicion that a member of the force possesses illegal drugs in violation of this policy, the Port Authority has the right to search the member's office, desk, locker, file cabinet, or other repository on Port Authority property or any Port Authority vehicle provided to a member of the force.

### III. SUPERVISOR GUIDELINES

A. Monitoring job behavior and work performance is a supervisory responsibility. One purpose of this POI is to assist supervisors in responding to situations where there is reasonable suspicion that a violation of the policy set forth in II, above, has occurred. A prompt response to such a situation is necessary in order to maintain a safe and efficient work environment, ensure the safety of employees and the public, and preserve the public confidence in the force. These guidelines outline the general role of the supervisor in implementing this policy.

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All supervisors have the responsibility to ensure that all employees are fit to perform all of their duties and are free from the influence of drugs.

Expert knowledge about the use of drugs is not necessary. Rather, supervisors must remain alert to changes in work behavior and work product. Some changes to which supervisors should be alert are set forth in Exhibit A, annexed hereto.

#### B. Reasonable Suspicion - Impairment on the Job

If a supervisor has a reasonable suspicion that a member of the force may be impaired from performing his or her job duties as a result of drug use, the supervisor will take the following action:

1. Have another supervisor from the same facility police command, or from another facility police command — if such a supervisor is not on duty — observe the impairment.
2. Notify the Commanding Officer of the member's police command, who shall notify the Inspector of Field Uniformed Services in charge of the member's police command, as well as the Commanding Officer of the Special Investigations Unit.
3. Order the member to accompany him/her to a private setting. If the member refuses to accompany the supervisor to a private setting, the member is to be warned that his/her refusal constitutes a failure to follow an order and will lead to discipline with a recommendation of termination of employment. If at all possible, such warning should be made in the presence of another supervisor, and, in the case of an employee represented by an Association, of an Association representative. In any event, a witness should be present, if at all possible.

If the member continues to refuse to accompany the supervisor, and after approval by the Inspector of Field Uniformed Services, the member is to be advised that he/she is administratively suspended pending further investigation and is to be temporarily relieved of his/her service revolver,

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shield and identification card. Arrangements are to be made for the member to be taken home or to another safe place, if his/her condition warrants it. In such cases, supervisors should use all reasonable means short of force to prevent the member from leaving on his/her own. If the member refuses to be taken home or to another safe place and insists on driving a vehicle, the supervisor shall take appropriate law enforcement action.

4. Provide a representative of the appropriate Association, if the member requests it.
5. Stress the seriousness of the situation. Tell the member the reason for the meeting. Give the member the P.D.I. 2-6, Rule 3 warning and ask the member to explain his/her condition.

The "Rule 3" warning referred to herein is set forth in P.D.I. 2-6 concerning disciplinary investigations as follows:

**"Rule 3. Required cooperation by employees:**

Before any employee may be questioned in connection with an investigation, the employee will be apprised of Rule 3, Chapter 9, of the Rules and Regulations which states:

'All employees must cooperate in authorized investigations of any act, omission or occurrence in or upon Port Authority property, (including, but not limited to, misconduct, accidents, crimes and the like), provided, however, that this rule shall not require any employee to give evidence against himself in connection with the investigation of an alleged act of misconduct on his part.'

He shall also be cautioned that disciplinary proceedings may be commenced against him and that anything he says may be used in evidence in such proceedings."

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6. Should the member fail to explain satisfactorily his/her condition and the Inspector of Field Uniformed Services agrees that a basis for the reasonable suspicion exists, the member must immediately undergo a medical evaluation by the Office of Medical Services.
  
7. The Office of Medical Services clinics at One World Trade Center and Kennedy International Airport are available for such an evaluation, Monday through Friday, 8:00 a.m. to 4:00 p.m. At all other times (i.e., "after hours," weekends, and other official holidays), the supervisor in charge of the situation will notify the Central Police Desk to have the Absence Control Unit supervisor contacted to coordinate the Police Surgeon or designee response. If the ACU supervisor cannot be contacted, the CPD shall contact the Police Surgeon or designee and request that they contact the on-scene supervisor.
  
8. If the member is assigned to LaGuardia or Kennedy International Airport, (s)he will be transported to the LaGuardia Police Building. For all other facilities, the member will be transported to Journal Square Transportation Center. The ACU supervisor, or the supervisor in charge of the situation, will arrange for the transportation of the Police Surgeon, or designee, to the applicable location.
  
9. After approval by the Inspector of Field Uniformed Services, temporarily relieve the member of his/her service revolver, shield, and identification card.
  
10. After a determination by the Inspector of Field Uniformed Services, that reasonable suspicion exists, he shall notify the Chief Inspector, Professional Standards, that such a case is in progress.
  
11. If the member refuses to undergo the medical evaluation, or if during the course of the medical evaluation the member does not cooperate fully with the medical professional, including the administering of the drug test, the member is to be warned that his/her refusal or lack of cooperation constitutes a failure to follow an order and will lead to discipline with a

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recommendation of termination of employment. If at all possible, such warning will be made in the presence of another supervisor, and, in the case of a member represented by an Association, of an Association representative. In any event, a witness should be present, if at all possible.

If the member continues to refuse either to undergo a medical evaluation or to fully cooperate therewith, and after approval by the Inspector of Field Uniformed Services, the member is to be advised that (s)he is administratively suspended pending further investigation. Arrangements will be made for the member to be taken home or to another safe place, if his/her condition warrants it. In such cases, supervisors shall use all reasonable means short of force to prevent the member from leaving on his/her own. If the member refuses to be taken home or to another safe place and insists on driving a vehicle, the supervisor shall take appropriate law enforcement action.

12. If the member consents to a medical evaluation, the member will be taken as soon as possible by the supervisor or designee of a supervisory rank to the Office of Medical Services (see No. 8 above). If the member requests it, an Association representative, if immediately available, may accompany the member for observation.

13. At the completion of the medical examination, the member shall be advised that (s)he will be placed on sick leave until OMS has completed the evaluation, at which time they will be contacted with the results of the evaluation. Make no promises as to outcome. Arrangements will be made by the supervisor for the member to be taken home or to another safe place.

14. If the drug test is positive, the Office of Medical Services shall notify the Inspector of Field Uniformed Services and the member. The Inspector of Field Uniformed Services shall administratively suspend the member and initiate the disciplinary process through the Professional Standards Division with a recommendation for termination of employment.

15. If the drug test is negative, the Office of Medical Services shall notify the Inspector of Field Uniformed Services and the member. The Inspector

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of Field Uniformed Services shall provide for the return of the member's service revolver, shield and identification card and the sealing of the case folder, unless there are other matters which warrant it to remain active. The Office of Medical Services shall provide written notification to the member of the negative results.

### C. Reasonable Suspicion - Information and Investigation

Should a supervisor receive or obtain information which indicates that a member of the force may be in violation of this policy, the supervisor will take the following steps:

1. Prepare a comprehensive report setting forth the information and any facts or circumstances which may be related thereto and submit it to the Commanding Officer of the member's facility police command.
2. The Commanding Officer shall review the report and, if the Commanding Officer agrees that reasonable suspicion of a violation of this policy exists, (s)he shall seek the approval of the Inspector of Field Uniformed Services for ordering the member to undergo a medical evaluation. After the Inspector of Field Uniform Services reviews the case, and believes reasonable suspicion exists, he shall consult with the Chief, Employment and Labor Law Division, Law Department, prior to ordering the member to undergo the medical evaluation. All pertinent information will be provided as part of this consultation.
3. Approval for ordering the member to undergo a medical evaluation will only be given after a careful determination that the report has established that reasonable suspicion of a violation of this policy exists. If such a determination is made, the Inspector of Field Uniformed Services shall notify the Chief Inspector, Professional Standards, that such a case is in progress.
4. If it is determined that reasonable suspicion of a violation of this policy exists, the Inspector of Field Uniformed Services will meet privately with the suspected member. If the member is represented by an Association and requests it, an Association representative shall be provided. The Inspector of Field Uniformed Services shall give the member the P.D.I. 2-6 Rule 13-

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warning (See Paragraph III, B, 5, hereof); advise the member of the information concerning the basis for the reasonable suspicion of drug abuse; inform the member that (s)he is being temporarily relieved of his/her service revolver, shield and identification card; and order him/her to go immediately to the Office of Medical Services or to another medical professional at a facility designated by the Office of Medical Services to undergo a medical evaluation. If the Inspector of Field Uniform Services reasonably believes it is necessary in connection with the investigation of the suspected violation of this policy, (s)he will also have a search made of the member's office, locker, desk, filing cabinet, or other repository provided to the member by the Port Authority on Port Authority property or Port Authority vehicle.

5. If the member refuses to undergo the medical evaluation, or if during the course of the medical evaluation the member does not cooperate fully with the directive to see the medical professional or does not cooperate fully with the medical evaluation, including the drug test, the member is to be warned that his/her refusal or lack of cooperation constitutes a failure to follow an order and will lead to disciplinary action, with a recommendation for termination of employment. If at all possible, such warning should be made in the presence of another supervisor, and, in the case of a member represented by an Association, of an Association representative. In any event, a witness should be present, if at all possible.

If the member continues to refuse either to undergo a medical evaluation or to fully cooperate therewith, and after approval by the Inspector of Field Uniformed Services, the member is to be advised that (s)he is administratively suspended pending further investigation.

6. If the member consents to a medical evaluation, the member will be taken by the supervisor or designee of a supervisory rank to the Office of Medical Services at One World Trade Center. The Police Surgeon or designee shall be contacted in advance and advised of the situation. If the member requests it, an Association representative, if immediately available, may accompany for observation.

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7. At the completion of the medical examination, the member will be placed on sick leave until the Office of Medical Services has completed the evaluation, at which time the member will be contacted with the results of the evaluation. Make no promises as to outcome. Arrangements will be made by the supervisor for the member to be taken home or to another safe place, if his or her condition warrants it.
8. If the drug test is positive, the Office of Medical Services shall notify the Inspector of Field Uniformed Services and the member. The Inspector of Field Uniform Services shall administratively suspend the member and initiate the disciplinary process through the Professional Standards Division with a recommendation for termination of employment.
9. If the drug test is negative, the Office of Medical Services shall notify the Inspector of Field Uniform Services and the member. The Inspector of Field Uniform Services shall provide for return of the member's service revolver, shield and identification card and the sealing of the case folder unless there are other matters which warrant it to remain active. The OMS shall provide written notification to the member of the negative results.
10. For the purposes of determining Reasonable Suspicion — Information and Investigation, the Professional Standards Division may initiate a Reasonable Suspicion investigation for any member of the force, through their chain of command and in full compliance with the procedures outlined in this section. Accordingly, the Chief Inspector, Professional Standards division, shall be substituted for the Inspector of Field Uniformed Services and the Deputy Inspector, Professional Standards Division, for the Commanding Officer.

#### IV. DEFINITIONS

Drugs: (a) All controlled substances pursuant to the laws of the State of New York or the State of New Jersey, including without limitation: marijuana, methadone, narcotic drugs, hallucinogens, hallucinogenic substance, and controlled stimulants and depressants; and (b) substances, such as stimulants, depressants, sleeping medicines, airplane glue and other psychotropic substances which may cause impairment.

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**Illegal Drugs:** Any substance; the sale, possession, manufacture or distribution of which is referred to in Article 220 of the Penal Law of the State of New York or in Section 2C:35-5 of the New Jersey Code of Criminal Justice.

**Impairment:** Alteration of the alertness, judgment, sensory perception, equilibrium or state of judgement, sensory perception or state of consciousness of a person in a manner adversely affecting psychological or physiological functions.

**Medical Evaluation:** An evaluation conducted on behalf of the Authority which would include, at a minimum, an evaluation of vital signs and the taking of a urine specimen to be tested for the presence of drugs by a National Institute on Drug Abuse (NIDA) certified laboratory.

**Positive drug test:** A urine sample which is screened and indicates at least the indicated concentration level of nanograms per milliliter (ng/ml) of any of the following substances:

<u>DRUG</u>	<u>Initial Test Concentration Level</u>	<u>Confirmation Test Concentration Level</u>
Cannabinoids (eg, THC, Marijuana)	100 ng/ml	15 ng/ml
Cocaine (Benzoyllecognine)	300 ng/ml	150 ng/ml
Amphetamine	1000 ng/ml	500 ng/ml
Opiates	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Benzodiazepines (oxazepam)	300 ng/ml	150 ng/ml
Barbiturates	200 ng/ml	200 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	750 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

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If the initial test of the urine sample is positive for one or more drugs, the original sample will be subjected to a confirmation test by means of the Gas Chromatography/Mass Spectrometry Technique.

These test concentration levels are subject to change by the United States Department of Health and Human Services and/or the National Institute on Drug Abuse as advances in technology or other considerations warrant identification of these substances at other concentrations.

**Reasonable Suspicion:** An opinion based on specific, objective facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion must be articulable and cannot be based on a mere hunch. Reasonable suspicion must be of a specific person or persons.

Reasonable suspicion based upon observations of contemporaneous physical indications of possible drug use may be supported by observations of behavioral and/or performance changes over a period of time. Some of such behavioral and performance changes are listed in Exhibit A, annexed hereto.

Among the factors to be taken into consideration in determining reasonable suspicion are:

- a. the nature of the information;
- b. the reliability of the person or source providing the information;
- c. the extent of any corroboration; and,
- d. any other factors contributing to the suspicion or the lack thereof.

Not all of these factors must exist to find reasonable suspicion, but all must be examined.

<b>Subject: Reasonable Suspicion Drug Testing</b>	<b>P.O.I. 2-20</b>
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## V. OTHER DRUG TESTING

Nothing stated herein shall affect the Authority's right to conduct drug testing in conjunction with pre-employment, recruit classes, return to work, promotions and periodic physical examinations performed in furtherance of or pursuant to applicable laws, regulations, or Authority policy.

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**Exhibit "A"**

**SIGNS OF DETERIORATING PERFORMANCE**

Work behavior and performance should be primary concerns of the supervisor. With respect to the effects of drug abuse on work behavior and performance, expert knowledge regarding drugs is not necessary, but the supervisor must remain alert to changes from the normal work pattern and/or the behavior of the member.

It is the responsibility of the supervisor to act in accordance with Authority guidelines for administering the Reasonable Suspicion-Drug Testing Policy. It is important to take immediate steps, since delayed action can threaten the safety of employees and the public.

Listed below are various signs that can appear on the job, indicating some consequences of drug abuse. It is impossible to rate all behavioral and work pattern problems that occur in this process of deterioration. They can appear singly or in combination. They may signify problems other than drug abuse. However, while the signs listed below are not totally inconclusive, they are closely associated with drug abuse, and should be taken into consideration in determining whether a basis for reasonable suspicion of drug abuse exists.

**Physical Signs or Condition**

- Weariness, exhaustion are frequently displayed
- Blank Stare
- Slurred speech
- Sleepiness (nodding)
- Unsteady walk
- Sunglasses regularly worn at inappropriate times
- Substantial changes in appearance and demeanor after lunch or break

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### **Moods**

Appears to be depressed most of the time or extremely anxious most of the time  
Irritable  
Suspicious  
Constantly complains about others  
Emotional unsteadiness (e.g., outbursts of crying)  
Mood changes after lunch or break

### **Actions**

Withdrawn or improperly talkative  
Spends excessive amount of time on the telephone  
Argumentative  
Has exaggerated sense of self-importance  
Displays violent behavior  
Avoids talking with Supervisor regarding work issues

### **Absenteeism**

Acceleration of absenteeism and tardiness, especially days before and after RDO's  
Frequent unreported absences, later explained as "emergencies"  
Unusually high incidence and duration of colds, flu, upset stomach, headaches  
Frequent use of unscheduled time off  
Pattern of leaving post assignment area  
Unexplained disappearance from the job with difficulty in locating member  
Requesting to leave work early for various reasons

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**Accidents**

- Taking of needless risks
- Disregard for safety of others
- Higher than average accident rate on and off the job, as well as incidents with other law enforcement agencies

**Work Patterns**

- Inconsistency in quality of work
- Poor judgment/more mistakes than usual and general carelessness
- Lapses in concentration
- Difficulty in remembering own mistakes
- Using excessive time to complete work/missing deadlines
- Increased difficulty in handling operational situations

**Relationship to Others on the Job**

- Overreaction to real or imagined criticism
- Avoiding and withdrawing from peers
- Complaints from coworkers
- Repeated borrowing of money from fellow employees, substantial credit problems
- Complaints of problems at home, such as separation, divorce and child discipline problems
- Persistent job transfer requests

By order of:



Director, Public Safety Department  
Superintendent of Police

### **DRUG ABUSE TESTING PROCEDURE**

In order to investigate and detect the use of illegal drugs and the abuse of otherwise legal drugs by member(s) of the Port Authority Police Department (member(s)), the following procedures will become effective upon the execution of the 1991-1996 Memorandum of Agreement.

#### **CONFIDENTIALITY**

The results obtained from any administration of a reasonable suspicion or random drug test shall be strictly confidential. The results obtained from any such drug test shall be limited to internal administrative purposes only and shall not be divulged by the Port Authority to any person not requiring knowledge thereof, nor shall they be used by the Port Authority in connection with any criminal investigation or prosecution, nor shall the Port Authority release the results of any drug test to anyone, including another Law Enforcement Agency for use in connection with any criminal investigation or prosecution, except where such release is compelled by subpoena or court order or otherwise required by law.

#### **SCREENING**

The administration of screening tests to detect the presence of drugs (drug tests) in members of the Department will be performed in the following instances:

- 1) upon reasonable suspicion that a member is using or is under the influence of illegal drugs or is abusing legal drugs; and,
- 2) on a random basis, without advance notice, on or after ninety days following the execution of the Memorandum of Agreement.

#### **TESTING BASED UPON REASONABLE SUSPICION**

A member may be required to undergo drug testing based on "reasonable suspicion" when objective facts and observations are brought to the attention of a superior officer and, based upon the reliability and weight of such information, the superior officer can reasonably infer or suspect that the member is using illegal drugs or is abusing legal drugs. Reasonable suspicion must be supported by specific articulable

facts which may include, but are not limited to: reports and observations of the member's drug related activities, such as purchase, sale or possession of drugs; associations with known drug dealers or users; observations of the member at known drug or drug related locations; an otherwise unexplained change in the member's behavior or work performance; an observed impairment of the member's ability to perform his or her duties.

A superior officer shall report the basis for his/her reasonable suspicion to the Superintendent of Police or his/her designee. The Superintendent or his/her designee shall decide whether to direct the member to drug testing. Prior to so deciding, the Superintendent or his/her designee may meet with the member. If such a meeting is held, a representative from among those designated by the Association shall have a right to be present, except that the meeting shall not be delayed for more than three (3) hours for the purpose of having a designated Association representative present.

If the member is ordered to submit to a drug test, the member shall be given a brief verbal statement of the basis for the reasonable suspicion. A verbal directive to submit to a drug test shall be confirmed in writing, as shall the facts constituting the basis for the reasonable suspicion, but the testing shall not be delayed pending issuance of such written directive and statement of facts.

#### RANDOM TESTING

The Superintendent of Police shall be responsible for the random scheduling and administration of drug tests.

A. Selection of members to be tested on a random basis shall be done by placing the names of all members of the department in a computer program designated by the Port Authority to produce random selections. This procedure will be performed by the Superintendent or his/her designee and will be witnessed by the Association President or his/her designee, except that the selection shall not be delayed later than 9:00 a.m. for the purpose of having the Association President or his/her designee present. The Association President or his/her designee shall be notified no later than 4:00 p.m. on the day prior to the date on which a random selection is to occur. Such notice may be by fax to the Association office.

B. On the day on which members are to be randomly tested a random list of names and employee numbers will be generated until a sufficient number of members are available to meet the quota established by the Superintendent of Police. Members on the generated list who are scheduled to be on vacation or a regular day off will not be included in the list. Port Authority management and the Association's representative, if present, will sign the generated list.

The random selection of a member will not result in that member's name being removed from any future selection process.

C. Scheduled Submission - Members selected for random drug testing pursuant to this Procedure must appear at the scheduled submission unless they are absent due to:

- a. training out of the Port district;
- b. military leave;
- c. jury duty;
- d. sickness or injury incurred in the line of duty;
- e. leave due to death in the family;
- f. personal leave.

The above listed absence must be in accordance with the Memorandum of Agreement and scheduled before the member has been notified to report for drug testing. Any member selected for testing and reporting absent due to sickness, IOD or Personal Leave on the test date, must provide a urine specimen the next time specimen collection takes place at his/her facility while the employee is on duty there. This collection will be random in that the member's name was selected at random for a previous test and the date of the next collection is also random.

For the purpose of determining who is scheduled to work on the day random testing is to be done the following tours shall be the tours to be tested: The Day and Afternoon tours of the date that the names are randomly selected and the Night tour of the day immediately following the date that the names are randomly selected.

#### **REFUSAL TO COOPERATE**

The refusal by a member to cooperate with any requirement of this procedure including, but not limited to, refusal to complete the Member Notification Form (Attachment A), refusal to submit a urine specimen, and/or refusal to comply with

other provisions of this procedure, shall subject the member to disciplinary action pursuant to the disciplinary procedure in the Memorandum of Agreement with the penalty being dismissal from employment if the charge of refusal to cooperate is sustained.

**TESTING PROCEDURES**

1. The initial and confirmatory drug tests will be performed by a National Institute on Drug Abuse (NIDA) certified laboratory(ies) which shall be selected by the Port Authority.
2. Any mobile collection facility selected by the Port Authority shall be NIDA certified for such purpose and shall display no markings indicating its use.
3. The member shall provide a urine specimen for purposes of testing for drugs or controlled substances other than alcohol. The employee shall provide a sufficient amount of the specimen to allow for initial screening, a confirmatory test, and a reconfirmation test.
4. Initial drug screening will be done by Enzyme Multiple Immunoassay Testing (EMIT). A specimen will not be further tested unless the results of the initial screening are declared positive as provided in Paragraph 14 below. If the results of the initial screening are not declared positive in accordance with Paragraph 14 below all of the member's specimens will be destroyed.
5. Each member being tested on the basis of reasonable suspicion shall be accompanied by a representative of the Association, except that the testing process will not be delayed for more than two (2) hours for the purpose of having an Association representative present. The Association representative may confer with and advise the member before and after the testing process, but shall not participate in the process in any way. The Association will provide the Department with a list of no fewer than five (5) representatives to be available for this purpose. If on duty, said representative shall be excused from duty with full pay and benefits to accompany a member.
6. During the testing process the member shall cooperate with requests for information concerning his/her use of medications, and with all other requirements of the testing process such as acknowledgment of giving of a urine specimen.

7. The official Port Authority photo identification of the member will be presented by the member to the collector of the specimen prior to commencement of collection. If no photo identification is available, verification of the identity by the immediate supervisor and another member of the force will be permissible. If identity cannot be verified, the collection will not proceed until identification can be verified.
8. Before the specimen collection takes place the member will be asked to remove all bulky outerwear such as coats, sweaters, and vests. In addition, the member will be asked to leave personal belongings with the outer garments.
9. The specimen collection will not be observed. Temperature of the specimen will be taken immediately after donation to verify its authenticity. The specimen must be within the range of 90.5 degrees F to 99.8 degrees F to be acceptable. A bluing agent will also be added to the toilet water to discourage tampering. Other sources of water will not be available to the member where the specimen collection will occur.
10. Appropriate containers shall be supplied by the laboratory conducting the testing in order to provide for segregated samples for the initial screening, a confirmation test, and a reconfirmation test. The containers shall be given a code number and shall be sealed in the presence of the member. Each member must provide at least 60 cubic centimeters (CC) of specimen. If the member is unable to produce a specimen, or the specimen is not of sufficient volume, or the temperature of the specimen is not within the range set forth in Paragraph 9 above, the member will remain at the collection site and will be provided with drinking water until sufficient acceptable urine can be collected. In order for the specimen sample to be valid, the entire 60 CC volume must be collected in one attempt. If a member is unable to produce 60 CC, the partial sample must be discarded (along with the collection vial) and all subsequent attempts must use new vials. During this time, the ~~employee~~ member must remain in the direct observation of a member of the collection service.
11. The laboratory conducting the test shall ensure that the appropriate chain of custody is maintained during all phases of the collection, transportation and testing process in order to verify the identity of each sample being tested. The form used to identify each specimen will provide for the following:

- a. A space to specify the type of test being conducted.
- b. A space where the collector and the member must each sign the form.
- c. A space for the member's employee number to be entered by the member.
- d. A space provided for the collector to record the temperature of the urine specimen.
- e. A space provided for the laboratory to indicate the presence in the urine specimen of any of the substances set forth in Attachment B.

Upon completion of the portions of the seven part chain of custody form to be completed at the time of collection the collector will affix Parts 1, 2 and 3 around the specimen bottle and place it in a transport container. The collector will transmit Part 4 of the form to the Office of Medical Services. The collector will give the member Part 5 of the form. Part 6 will be retained for the collector's records. The collector will transmit Part 7 to the Chief Inspector, Professional Standards.

12. Each and every positive EMIT test result will be confirmed using a Gas Chromatography - Mass Spectrometry (GC-MS) test. Only if confirmed will a test result in a positive report. The lab will test the urine specimens for the substances and concentration levels set forth in Attachment B.
13. Any member whose drug test results in a positive report may, within ten (10) days of receiving notification of such result, request in writing to the Superintendent of Police that the third portion of the specimen be made available for retesting at a NIDA certified laboratory of the member's choosing. The laboratory which conducted the initial and confirmatory test will deliver the portion of the specimen to such laboratory to assure the chain of custody. This third testing (the reconfirmation test) shall include the GC-MS test, and shall be at the expense of the member. The results of this testing shall be provided to the member, the employer and, at the member's option, to the Association.
14. To be declared positive at the initial screening, confirmation test or reconfirmation test the results of the drug test must meet or exceed the concentration levels set forth in Attachment B.
15. In all cases in which a reconfirmation test is requested as provided in paragraph 13 above, the result of the

reconfirmation test shall be conclusive.

16. All testing shall be performed in accordance with NIDA standards and shall comply with applicable law.

**RESULTS OF DRUG TESTS**

The following procedure will be observed for reporting all drug test results.

- a. The Office of Medical Services (OMS) will receive test results from the laboratory.
- b. The member will be notified of the test results by the OMS within five (5) business days of the date the OMS receives same by means of registered mail, return receipt requested, as well as by regular mail, to the address indicated in Port Authority records. Other than positive test results, all other tests results will be sealed and retained in a separate file in OMS only.
- c. Upon receipt of a positive test result, the OMS will immediately notify the Chief Inspector, Professional Standards Division who will notify the member's Facility Police Commanding Officer and the Inspector of Operations who will initiate appropriate steps consistent with the notification from the OMS and will schedule the member to report to the OMS on the member's next scheduled work day for a complete review of the test results.
- d. In the case of a positive test result, the OMS will meet with the member privately to discuss the test and shall give the member a copy of the report at that time. The member must fully cooperate with the OMS in this interview. If the OMS determines that the positive report is due solely to the member's use of a drug which is legally prescribed for use by the member, then the positive test result shall be declared to be a verified negative test result. In all other cases, a report of the results of the investigation and of the positive test result shall be prepared.
- e. Following such meeting the OMS shall immediately notify the Chief Inspector, Professional Standards Division whether the test result constitutes a positive test result and shall forward to the Chief

Inspector the results of his investigation and report of the positive test result.

**POSITIVE TEST RESULTS**

Any drug test resulting in a positive report will be referred to the Superintendent of Police or his/her designee for disciplinary action. Upon receipt of notification of a positive report the member against whom such report has been made shall, if not already suspended, be immediately administratively suspended from duty, and shall be subject to the disciplinary procedure in the Memorandum of Agreement with the penalty being dismissal from employment if the charge of use of illegal drug(s) is sustained. If a charge of abuse of legal drug(s) is sustained, in addition to the range of penalties provided for under the disciplinary procedures in the Memorandum of Agreement the hearing officer and/or arbitrator shall, in the event he/she imposes a penalty other than dismissal from employment, require that the member submit to unannounced drug testing for a period of time to be determined by the hearing officer and/or arbitrator. If a second charge of abuse of legal drug(s) is sustained, the penalty shall be dismissal from employment.

A positive drug test result shall require a finding that the charge is sustained unless the Port Authority has failed to follow the requirements of this procedure with respect to that test. No disciplinary action will be taken against a member on the basis of any test that does not meet the concentration levels provided for in Attachment B.

All drug related disciplinary matters shall receive expeditious treatment.

**DATA RETENTION**

**A. Records Management**

The following records will be maintained in a secured location at Police Headquarters.

1. A copy of the standard operating procedures for the Random Drug Testing Program.
2.
  - a. Program Disks
  - b. Data Base File Disks
  - c. Original computer generated random selection lists by sequential run numbers.
3. Copy #7 of the Chain of Custody Form for each specimen taken.
4. Copies of the original Member Notification Forms.
5. Laboratory invoices, including the number of tests analyzed.

6. Records of positive tests.

B. Urine Specimens

Positive urine specimens will be retained by the Port Authority's NIDA certified laboratory for a period of three years. If requested by the member or by the Port Authority, arrangements will be made with the laboratory for a longer retention period. Negative samples will be discarded by the NIDA lab.

**OPPORTUNITY FOR REHABILITATION**

The opportunity for rehabilitation (rather than discipline) shall be granted only once for any member and only under the following circumstances:

- a. The member must not be involved in any drug related criminal activity provided, however, that the admission of drug abuse shall not be a basis for denying rehabilitation to any member;
- b. The member must voluntarily admit his/her drug abuse to the Superintendent of Police prior to his/her selection for random testing pursuant to the computer selection and prior to him/her being ordered to undergo drug testing based on reasonable suspicion and prior to his/her receipt of a Notice of Investigation (Attachment C).

Such member shall be afforded the opportunity to participate in a rehabilitation program pursuant to the provisions of the Rehabilitation Opportunity Agreement, a copy of which is annexed hereto as Attachment D. The member must execute the Rehabilitation Opportunity Agreement prior to entering the program. Refusal to execute the agreement shall constitute refusal to cooperate.

The member shall use sick leave and, if such is exhausted, or, if the member chooses, vacation leave, personal days and banked compensatory time for the period of absence for the purpose of obtaining treatment. All treatment will be at the sole expense of the member, to the extent not covered by the member's health benefits plan.

Except as provided for in this Procedure the Port Authority shall not provide any opportunity to members to participate in any drug rehabilitation program.

**UNANNOUNCED TESTING FOR MEMBERS ASSIGNED TO CERTAIN IDENTIFIED POSITIONS**

Members assigned to Narcotics Detection K-9, and plainclothes narcotics related assignments, will undergo unannounced drug testing at least once per year. This testing does not preclude members of the aforementioned units from being randomly tested at any time during the year. A member's name will not be removed from the random computer database after being chosen for unannounced testing. However, if an officer is selected for random testing before (s)he is selected for unannounced testing, his/her name will be removed from the unannounced list and his/her requirement for annual unannounced testing will be deemed fulfilled.



ATTACHMENT B  
CONCENTRATION LEVELS

<u>DRUG</u>	<u>INITIAL</u>	<u>CONFIRMATION &amp; RECONFIRMATION TESTS</u>
*Cannabinoids	100 ng/ml	15 ng/ml
*Cocaine	300 ng/ml	150 ng/ml
*Amphetamine	1000 ng/ml	500 ng/ml
*Opiates	300 ng/ml	300 ng/ml
*Phencyclidine	25 ng/ml	25 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	250 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	750 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

\* Current NIDA concentration levels. These concentration levels may be modified from time to time when published as effective in the Federal Register.

ATTACHMENT C

NOTICE OF INVESTIGATION

TO: \_\_\_\_\_  
/ (member name)

DATE: \_\_\_\_\_

Under the Drug Abuse Testing Procedure of the Port Authority Police Department members will be granted one opportunity for rehabilitation provided that, among other requirements, they voluntarily admit their drug abuse to the Superintendent of Police prior to their receipt of notification of an investigation into their possible use or abuse of drugs.

In accordance with that Procedure this is to notify you that an investigation has begun which may result in your being required to submit to drug testing and that any admission to drug abuse which you might make between the date of your receipt of this Notice and ninety (90) calendar days from date of such receipt shall not constitute the voluntary admission required by the Procedure.

\_\_\_\_\_  
Chief Inspector  
Professional Standards Division

Attachment D

REHABILITATION OPPORTUNITY AGREEMENT

\_\_\_\_\_, Police Officer

EMPLOYEE NO. \_\_\_\_\_

DATE \_\_\_\_\_

In consideration of being permitted one opportunity to participate in a rehabilitation program and having voluntarily admitted his/her abuse to the Superintendent of Police, \_\_\_\_\_, Police Officer, and the Port Authority of New York and New Jersey do hereby agree to the following actions:

1. \_\_\_\_\_ must successfully complete the rehabilitation program set forth in Paragraph 2 below (Program) as a condition of his/her continued employment with the Port Authority. (S)he agrees to cooperate fully with all of the Program requirements.

(S)he understands that any failure by him/her to cooperate fully with one or more of those requirements will result in his/her dismissal from the Program and discipline up to and including dismissal from his/her employment as set forth in Paragraph 3 below.

2. The Program requirements with which \_\_\_\_\_ must fully cooperate shall be that:

- a. (S)he must successfully complete the drug rehabilitation regimen provided by the rehabilitation facility selected by the member from among those approved rehabilitation facilities set forth in the list attached to this Rehabilitation Opportunity Agreement.
- b. (S)he must be evaluated and counseled on a regular basis by one of the drug rehabilitation counselors selected by the member from a list of five such counselors provided by the Port Authority Office of Medical Services (OMS). If the member requests an additional list of five such counselors for such selection, it shall be provided by OMS.
- c. (S)he must submit specimens of his/her urine as directed by OMS to determine the presence of illegal drugs, or prescription drugs not currently prescribed for him/her (drug tests). The drug tests shall be performed by a National Institute on Drug Abuse (NIDA)

certified laboratory in accordance with NIDA standards and applicable law. The frequency and scheduling of these submissions and tests shall be as determined by the OMS and shall be without prior notice. Refusal to make a submission shall be deemed to constitute a positive drug test for purposes of this rehabilitation opportunity agreement.

- d. (S)he must, during the period following his/her successful completion of the drug rehabilitation regimen portion of the Program and before OMS makes its determination of his/her medical fitness to return to duty, test negative on at least four consecutive drug tests ordered by OMS. Two positive drug tests during this period shall constitute a failure to cooperate fully with this requirement and shall result in dismissal from the Program and dismissal from employment as set forth in Paragraph 3 below.
- e. If OMS determines that \_\_\_\_\_ is medically fit to return to duty, (s)he must continue to submit to drug testing on the same basis as set forth in Paragraph 2 c. above for a period of six years from the date of his/her return to duty. During this period one positive drug test shall constitute failure to cooperate fully with this requirement and shall result in dismissal from the Program and dismissal from employment as set forth in Paragraph 3 below.
- f. (S)he must keep all appointments required by OMS.

3. \_\_\_\_\_ understands that if (s)he fails to cooperate fully with any Program requirement, including but not limited to any of those specifically set forth in Paragraph 2 above, (s)he will be dismissed from the Program and that (s)he will be subject to discipline up to and including dismissal from employment.

Notwithstanding the provisions of Section C., Step One of the grievance-arbitration procedure of the PBA Memorandum of Agreement, the Port Authority shall refer its determination that \_\_\_\_\_ failed to cooperate fully with one or more Program requirements directly to arbitration pursuant to the grievance-arbitration procedure of the PBA Memorandum of Agreement, and shall transmit copies thereof to \_\_\_\_\_ via registered mail, return receipt requested, as well as by regular mail at his/her address contained in Port Authority records, and to the Police Benevolent Association, Inc.

The arbitrator shall be that individual among the arbitrators designated by the Port Authority and the PBA to hear Repeated and Excessive Absence Discipline cases who has the earliest date available for a hearing on the Port Authority's determination.

The sole issue in the arbitration shall be whether \_\_\_\_\_ cooperated fully with the requirements of the

Program identified in the Port Authority's determination of failure to cooperate fully. In the event the Port Authority's determination of failure to cooperate fully is based in whole or in part on a positive drug test, then determination of the accuracy of that drug test shall require that the Port Authority's determination that \_\_\_\_\_ failed to cooperate fully with the requirement(s) of the Program be sustained. For purposes of this agreement a positive drug test shall mean a test the results of which meet or exceed the concentration levels set forth in Attachment B of the Drug Abuse Testing Procedure. If the arbitrator determines that \_\_\_\_\_ failed to cooperate fully with a Program requirement on the basis of a positive drug test, then \_\_\_\_\_ shall be dismissed from Port Authority employment. If the arbitrator determines that \_\_\_\_\_ failed to cooperate fully with a Program requirement but not on the basis of a positive drug test, then \_\_\_\_\_ shall be subject to discipline up to and including dismissal from Port Authority employment.

4. \_\_\_\_\_ understands that neither participation in nor successful completion of the Program will shield him/her from any administrative action instituted against him/her, including disciplinary action, for any rules and regulations the violation of which is not covered by this Rehabilitation Opportunity Agreement. (S)he further understands that upon being determined by OMS to be medically fit to return to duty, and pursuant to the recommendation of OMS, (s)he may be transferred to a different Facility Police Command and may lose any existing rights related to existing work chart, Special Detail(s) and Preferred Assignment(s).

5. This agreement shall be maintained in the file of \_\_\_\_\_ at the OMS office and in the office of the Chief Inspector, Professional Standards Division of the Public Safety Department. Copies of the same shall not be maintained in his/her medical chart or personnel files.

6. \_\_\_\_\_ acknowledges that (s)he has read this entire agreement and is voluntarily entering into this agreement with complete understanding of the terms contained herein and will strictly comply with each of them.

\_\_\_\_\_  
EMPLOYER

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
POLICE BENEVOLENT ASSOCIATION, INC.

\_\_\_\_\_  
DATE

REHABILITATION FACILITIES

NEW YORK CITY

Smithers 428 West 59th Street New York, N.Y. 10019	- Inpatient/Outpatient
Gracie Square Hospital 420 East 76th Street New York, N.Y. 10021	- Inpatient/Outpatient
Stuyvesant Square 380 Second Avenue New York, N.Y. 10010	- Outpatient
Beth Israel Medical Center 170 East End Avenue New York, N.Y. 10128	- Inpatient
Arms Acres 1841 Broadway Suite 1111 New York, N.Y. 10023	- Outpatient
Freeport Hospital 224 West 35th Street Suite 1401 New York, N.Y. 10001	- Outpatient
The Regent Hospital 425 East 61st Street New York, N.Y.	- Inpatient/Outpatient

LONG ISLAND

South Oaks Hospital 400 Sunrise Highway Amityville, N.Y. 11701	- Inpatient/Outpatient
Seafield Center 7 Seafield Avenue Westhampton Beach, N.Y. 11978	- Inpatient/Outpatient

Freeport Hospital - Outpatient  
267 South Ocean Avenue  
Freeport, N.Y. 11520

PUTNAM

Arms Acres - Inpatient/Outpatient  
Seminary Hill Road  
Carmel, N.Y. 10512

WESTCHESTER

United Hospital - Inpatient/Outpatient  
406 Boston Post Road  
Port Chester, N.Y. 10573

St. Vincent's Hospital - Inpatient/Outpatient  
240 North Street  
Harrison, N.Y. 10528

The New York Hospital - Inpatient/Outpatient  
Cornell Medical Center  
21 Bloomingdale Road  
White Plains, N.Y. 10605

NEW JERSEY

The Harbor - Inpatient/Outpatient  
1405 Clinton Street  
Hoboken, N.J. 07030

Carrier Foundation - Inpatient/Outpatient  
P.O. Box 147  
Belle Mead, N.J. 08502

Princeton House - Inpatient/Outpatient  
905 Herrontown Road  
Princeton, N.J. 08540

Fair Oaks Hospital - Inpatient/Outpatient  
19 Prospect Street  
Summit, N.J. 07901

OHIO

Criminal Justice Institute  
3130 North Dixie Highway  
Troy, OH 45373

**DRUG TESTING  
POLICY AND PROCEDURES**

**PREAMBLE**

The mutual intention of the signatories to this policy is to insure that any individual subject to this Agreement who is engaged in the illegal or unauthorized use of drugs (as defined herein) shall be separated from employment with the Port Authority pursuant to the following:

**POLICY**

In order to investigate and detect the use of illegal drugs and the unauthorized use of: marijuana, opiates, amphetamines, cocaine and phencyclidine or their metabolites by member(s) of the Port Authority Public Safety Department (member(s)), the following procedures will become effective upon the execution of the 1996-2003 Memorandum of Agreement.

**I. CONFIDENTIALITY**

The results obtained from any administration of a reasonable suspicion or random drug test shall be strictly confidential. The results obtained from any such drug test shall be limited to internal administrative purposes only and shall not be divulged by the Port Authority to any person not requiring knowledge thereof, nor shall they be used by the Port Authority in connection with any criminal investigation or prosecution, nor shall the Port Authority release the results of any drug test to anyone, including another Law Enforcement Agency for use in connection with any criminal investigation or prosecution, except where such release is compelled by subpoena or court order or otherwise required by law.

**II. SCREENING**

The administration of screening tests to detect the presence of the following drugs: marijuana, opiates, amphetamines, cocaine and phencyclidine or their metabolites in members of the Department will be performed in the following instances:

1. Upon reasonable suspicion that a member is under the influence or is engaged in the illegal or unauthorized use of the above drugs;
2. On a random basis, without advance notice; and
3. Pursuant to the Rehabilitation Opportunity Agreement For Positive Test Results (Appendix 2) and The Rehabilitation Opportunity Agreement For Self-Identification Situations (Appendix 3).

*ASL JD*

## **II. TESTING BASED UPON REASONABLE SUSPICION**

A. A member may be required to undergo drug testing based on "reasonable suspicion" when facts and observations are brought to the attention of a superior officer and, based upon the reliability and weight of such information, the superior officer can reasonably suspect that the member is engaged in the illegal or unauthorized use of the above drugs. Reasonable suspicion must be supported by specific, articulable facts which may include, but are not limited to: reports and observations of the member's drug related activities such as purchase, sale or possession of drugs; associations with known drug dealers or users; observations of the member at known drug or drug related locations; an otherwise unexplained change in a member's behavior or work performance; an observed impairment of the member's ability to perform his or her duties. An accident, by itself, will not automatically require a member to submit to a reasonable suspicion drug test.

B. A superior officer shall report the basis for his reasonable suspicion to the Superintendent of Police or a designee. The Superintendent or a designee shall decide whether to direct the member to drug testing. Prior to so deciding, the Superintendent or a designee may meet with the member. If such a meeting is held, a representative from among those designated by the Association shall have a right to be present, except that the meeting shall not be delayed for more than two (2) hours for the purpose of having a designated Association representative present.

C. If the member is ordered to submit to a drug test, the member shall be given a brief verbal statement of the basis for the reasonable suspicion. A verbal directive to submit to a drug test shall be confirmed in writing, as shall the facts constituting the basis for the reasonable suspicion, but the testing shall not be delayed pending issuance of such written directive and statement of facts.

## **IV. RANDOM DRUG TESTING**

The Superintendent of Police or a designee shall be responsible for the scheduling and administration of random drug tests.

A. Selection of members to be tested on a random basis shall be made from a database consisting of all members covered by the memorandum of agreement. This procedure will be performed by the Superintendent or a designee and will be witnessed by the Association President or a designee, except that the selection shall not be delayed later than 8:00 a.m. on the day that random selection shall occur for the purpose of having the Association President or a designee present. The Association President or a designee shall be notified no later than 4:00 p.m. on the day prior to the date on which a random selection is to occur. Such notice may be by fax to the Association office.

B. On the day which members are to be randomly tested a random list of names and member numbers will be generated until a sufficient number of members are available to meet the quota established by the Superintendent of Police. Members on the generated list who are scheduled to be on vacation or a regular day off will not be included in the list. Port Authority management and the Association's representative, if present, will sign the generated list. The

random selection of a member will not result in that member's name being removed from any future selection process.

C. Member Notification Form - Members selected for random drug testing pursuant to this Procedure will receive the Member Notification Form (Appendix 1).

A member selected for testing must remain at the collection site until the test has been completed and the completion of a test will occur no later than two hours after the conclusion of the member's tour. Any member selected for testing and reporting absent due to sickness, IOD, or personal leave on the test date, must provide a urine specimen the next time specimen collection takes place at his facility while the member is on duty there. This collection will be random in that the member's name was selected at random for a previous test and the date of the next collection is also random.

For the purpose of determining who is scheduled to work on the day random testing is to be done the following tours shall be the tours to be tested: The day and afternoon tours of the date that the names are randomly selected and the night tour of the day immediately following the date that the names are randomly selected.

#### V. EXEMPTIONS FROM DRUG TESTING

The member must report to the scheduled submission site within the time designated by the Port Authority's management or the member's supervisor unless they are absent due to: an excused absence or personal leave as defined in Appendix H of the parties' Memorandum of Agreement, an assignment or excusal authorized by the Superintendent of Police or a designee, military leave, sickness or injury incurred in the line of duty, compensatory time, vacation, holidays, or an assignment out of the Port District which has been scheduled before the member has been notified to report for drug testing. The parties agree that members who are exempt pursuant to this Article will not be charged with a Refusal to Cooperate as defined in Article VII, Paragraph A, of this Drug Testing Policy and Procedure and not subject to the DISCIPLINARY ARBITRATION PROCEDURES FOR A VIOLATION OF THE DRUG TESTING POLICY AND PROCEDURES as set forth herein as Article XII. Any claim that a member was not properly exempt under this Article must be charged by the Port Authority pursuant to the disciplinary provisions of the Memorandum of Agreement.

#### VI. TESTING PROCEDURES AND RESULTS OF DRUG TESTS

A. The parties will be bound by 49 CFR Part 40, subpart A-General with respect to drugs only, and subpart B - Drug Testing, for all drug testing conducted pursuant to this 1996-2003 Memorandum of Agreement. The parties further agree to the following:

B. Testing Procedures

I. Collection Procedures

- a. The procedures for collection of urine shall be in accordance with 49CFR Part 40, Urine Specimen Collection Procedures Guidelines.
- b. Each member tested shall only be tested for the following drugs or their metabolites: marijuana, cocaine, opiates, amphetamines and phencyclidine.
- c. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

	Initial test cutoff levels (ng/ml)
Marijuana metabolite .....	50
Cocaine metabolites .....	300
Opiate metabolites .....	* 300
Phencyclidine .....	25
Amphetamines .....	1,000

\* -25 ng/ml if immunoassay specific for free morphine.

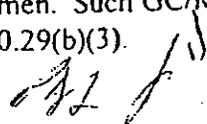
- d. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) at the cutoff levels listed below for each drug.

	Confirmatory test cutoff levels (ng/ml)
Marijuana metabolite \1\ .....	15
Cocaine metabolite \2\ .....	150
Opiates	
Morphine .....	300
Codeine .....	300
Phencyclidine .....	25
Amphetamines	
Amphetamine .....	500
Methamphetamine\3\ .....	500

- 1) Delta-9-tetrahydrocannabinol-9-carboxylic acid.
- 2) Benzoyllecgonine.
- 3) Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.

e. These cutoff levels are subject to change by the Department of Health and Human Services ("DHHS") as advances in technology or other considerations warrant identification of these substances at other concentrations. The Port Authority will notify the Police Benevolent Association by registered mail, return receipt requested or overnight delivery mail service with written proof of service of any changes in the cutoff levels made by the DHHS. The Police Benevolent Association may also notify the Port Authority's Office of Medical Services by registered mail, return receipt requested, or overnight delivery mail service with written proof of services of any changes in the cutoff levels made by the DHHS. Any such changes will become effective upon the date prescribed by the DHHS provided the Port Authority has given the Police Benevolent Association notice or vice versa of such changes. No change will become effective unless the Port Authority has given the Police Benevolent Association notice of such change or vice versa.

2. Each member being tested on the basis of reasonable suspicion shall be accompanied by a representative of the Association, except that the testing process will not be delayed for more than two (2) hours for the purpose of having an Association representative present. The Association representative may confer with and advise the member before and after the testing process, but shall not participate in the process in any way. The Association will provide the Department with a list of no fewer than five (5) representatives to be available for this purpose. If on duty, said representative shall be excused from duty with full pay and benefits to accompany a member.
3. During the testing process the member shall cooperate with requests for information concerning his use of medications, and with all other requirements of the testing process such as acknowledgment of giving of a urine specimen.
4. The parties agree to the "split sample" method of collection as outlined in 40 CFR §40.25. When directed in writing by the MRO to forward the split specimen to another DHHS-certified laboratory selected by the Port Authority for analysis, the second laboratory shall analyze the split specimen by GC/MS to reconfirm the presence of the drug(s) or drug metabolite (s) found in the primary specimen. Such GC/MS confirmation shall be conducted pursuant to 49 CFR §40.29(b)(3).



5. The Port Authority shall pay all costs and fees with respect to the testing procedures set forth in Article VI.
6. All future amendments, additions, deletions and revisions concerning drug testing that are approved and issued by the Department of Transportation ("DOT") or DHHS will be adopted by the parties. The Port Authority will notify the Police Benevolent Association by registered mail, return receipt requested, or overnight delivery mail service with written proof of service of any amendments or modifications to 49 CFR Part 40. The Police Benevolent Association may also notify the Port Authority's Office of Medical Services by registered mail, return receipt requested, or overnight delivery mail service with written proof of service of any amendments or modifications to 49 CFR Part 40. The parties further agree that any such amendments or modifications to 49 CFR Part 40 will become effective upon the date prescribed by the DOT/DHHS provided the Port Authority has given the Police Benevolent Association notice or vice versa of such amendments or modification. No amendment or modification will become effective unless the Port Authority has given the Police Benevolent Association notice of such change or vice versa.

C. Results of Drug Tests

1. The MRO, as defined in 49 CFR Part 40, will receive all test results.
2. The MRO will notify each member who tests negative of such result by registered mail, return receipt requested and regular mail within five business days of the date the MRO receives the results from the laboratory, to the address indicated in Port Authority records. All test results will be retained by the MRO in a locked separate file in the Office of Medical Services.
3. Whenever a drug test is canceled for any reason pursuant to this Drug Testing Policy and Procedures or 49 CFR Part 40, any prior positive readings will be nullified and any suspension imposed will be rescinded with the tested individual receiving full pay for the period of the suspension.
4. Upon receipt of a positive test result, the MRO will notify the Superintendent or a designee who will immediately schedule the member who tested positive to report to the MRO in the Office of Medical Services, on that member's next scheduled workday that the Office of Medical Services is open for a complete review of the test results.
5. The member must meet privately with the MRO to discuss any legitimate explanation for the positive test result including the use of prescription and over-the-counter medications. The MRO will give the member a copy of the positive test result report at that time. The member must fully cooperate with

the MRO during this interview. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result to the Superintendent or a designee representative as verified negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified positive by the MRO and communicated to the member during the meeting. If the MRO verifies the positive test result, the MRO will notify the tested member by registered mail, return receipt requested and regular mail within five business days. The MRO will notify the member at the meeting that he/she may request a test of the "split specimen" and will explain the procedures for requesting a split specimen test and how this test is conducted. The MRO also will notify the Superintendent or a designee of the result who will then notify the tested member's supervisor. Such member will be subject to the discipline in accordance with Article XII herein.

6. If a member provides a written request to the MRO within 72 hours of being notified by the MRO of a verified positive test result for an analysis of the split specimen, the MRO will request that the split specimen be analyzed pursuant to 49 CFR Part 40. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) found in the primary specimen, then the MRO will report the test as verified negative to the Superintendent or a designee and the tested individual by registered mail, return receipt requested, and regular mail within five business days. If the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Superintendent or a designee and the tested individual by registered mail, return receipt requested, and regular mail within five business days. However, if the split specimen reconfirms the presence of the drug(s) or drug metabolite(s), the MRO will notify the Superintendent or a designee and the tested member of the test results by registered mail, return receipt requested, and regular mail within five business days.

## **VII. REFUSALS TO COOPERATE AND POSITIVE TEST RESULTS**

### **A. Refusal To Cooperate**

With the exception of members exempted from this Drug Testing Policy and Procedures as defined in Article V, Exemptions From Drug Testing, the refusal by a member to cooperate with any requirement of this procedure including, but not limited to, refusal to complete the Member Notification Form (Appendix 1) and the Drug Testing Custody and Control Form and the Split Specimen Request Form (Appendix 10), failure to provide urine or an adequate amount of urine if a licensed physician who is acceptable to the Port Authority determines in his or her reasonable medical judgment that a medical condition did not or with a high degree of probability, could not have precluded the employee from providing an adequate amount of urine, engaging in conduct that clearly obstructs the testing process, including but not limited to, the adulteration or

substitution of a urine specimen or attempts to substitute or adulterate a specimen; failure to report as directed by management or the member's supervisor directly to the collection site, or to delay the collection, testing or verification process, refusal to comply with other provisions of this procedure, refusal to accept a restricted assignment while the member is participating in a counseling, treatment or rehabilitation program, or refusal to comply with terms of the Rehabilitation Opportunity Agreement For Positive Test Results (Appendix 2), or the Rehabilitation Opportunity Agreement For Self-Identification Situations (Appendix 3), shall constitute a refusal to cooperate. If a member cannot provide urine or an adequate amount of urine, and that inability was not due to a medical condition in the opinion of the licensed physician referenced herein, the member will be granted the opportunity to sign the Failure to Cooperate: Failure to Provide Specimen Waiver Agreement (Appendix 9). If the member signs this form, he or she will not be charged with refusal to cooperate and must abide by the terms of the Waiver Agreement contained therein. The only penalty for member's refusal to cooperate is termination, if the charge is sustained in a disciplinary action set forth in Article XII herein.

#### B. Positive Test Results

Any member who is required to submit to a reasonable suspicion drug test pursuant to this policy, will be administratively suspended from duty until the Port Authority receives the verified test results and, if requested, the split specimen test result. If the test result or split specimen test result is negative or canceled, the member will be reinstated and will receive full pay for the period of the suspension. If the test result or split specimen result is positive, the member will be suspended without pay. Termination is the only penalty for a member who receives a verified positive drug test, if the charge is sustained in a disciplinary action as set forth in Article XII herein. If the charge against a member who was verified positive by the MRO in accordance with this Drug Testing Policy and Procedures or 49 CFR Part 40 is not sustained the member will be reinstated without back pay and must sign a Rehabilitation Opportunity Agreement For Positive Test Results (Appendix 2). Refusal to execute or fully comply with the terms of the Agreement shall constitute refusal to cooperate and subject the member to termination. No disciplinary action will be taken against a member on the basis of any positive test that does not meet the cutoff levels provided in 49 CFR Part 40, Subpart B§40.29. The confirmation test of the split specimen shall be pursuant to 49 CFR §40.29.(b)(3).

### VIII. DATA RETENTION AND PRODUCTION

#### A. Records Management and Production

The following records will be maintained in a secured location at Police Headquarters.

1. A copy of standard operating procedures for the Random Drug Testing Program.
2.
  - a. Program Disks
  - b. Data Base File Disks
  - c. Original computer generated random selection lists by sequential run numbers.

Handwritten signatures and initials, including what appears to be 'ASL' and 'JD'.

3. Copy #7 of the Chain of Custody Form for each specimen taken.
4. Copies of the original Member Notification Forms.
5. Copies of any and all documents concerning the directive to submit to a reasonable suspicion drug test and the facts constituting the basis for the reasonable suspicion determination.
6. A litigation package, which is to be provided and retained by the DHHS certified Laboratory who performed the analysis of the member's drug test. The documents currently comprising this litigation package are attached as Appendix 4. In the event there is a change in what the laboratory makes available to the Port Authority, the documents provided for in Appendix 4 shall be changed accordingly.
7. Any disclosed information related to a positive drug test of an individual pursuant to 49 CFR Part 40.

The parties agree that no other records shall be provided by the Port Authority. Additionally, the arbitrator has no authority to require the Port Authority to produce any other records, other than what is specifically noted in this Article, including those documents reproduced in Appendix 4.

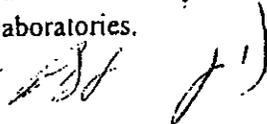
**B. Employee Access to Records and Information**

Members subject to disciplinary action under this Agreement will have a right to seek information as permitted by 49 CFR Part 40, beyond that granted by Article VIII, Paragraph A of this Agreement. The arbitrator shall permit a reasonable adjournment pending pursuit of such information. Notwithstanding the foregoing, the failure of the Port Authority's laboratory or other Port Authority agents to provide documents beyond those documents listed in Article VIII, Paragraph A, shall not be considered by the arbitrator in rendering his or her decision on the merits of the case.

C. The release of the above records by the Port Authority, or any of its agents, to the specific member may be used only by such member, his or her collective bargaining representative or counsel, in direct connection with disciplinary proceedings concerning the specific member's drug test result. The parties agree that such records may not be used in connection with another member's disciplinary proceedings. Further, the parties agree that such documents are confidential and may not be released or discussed except in connection with the disciplinary proceeding or other proceedings initiated by or on behalf of the specific member.

**D. Urine Specimens**

Positive urine specimens will be retained by the Port Authority's DHHS certified laboratory according to 49 CFR Part 40 for one year. If requested by the member or by the Port Authority, arrangements will be made with the laboratory for a longer retention period. Negative samples will be discarded by the DHHS laboratories.



**IX. OPPORTUNITY FOR REHABILITATION**

If a member voluntarily has self-identified as having a drug problem to the Superintendent or a designee and requests assistance for such a problem before being selected for a drug test required by this policy, the Port Authority will refer such member to Port Authority's substance abuse professional ("SAP") who shall determine what assistance the member needs in resolving problems associated with controlled substance use. After the evaluation, the SAP will refer the member for appropriate counseling, treatment or rehabilitation.

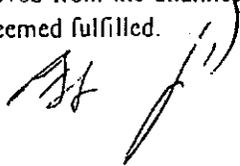
Such member shall be referred to participate in a counseling, treatment, or rehabilitation program pursuant to the provisions of the Rehabilitation Opportunity Agreement For Self-Identification Situations (Appendix 3). The member must execute the Rehabilitation Opportunity Agreement prior to entering the program. Refusal to execute or fully comply with the terms of the Agreement shall constitute refusal to cooperate and subject the member to termination as stated in Article VII above.

The member shall use sick leave and, if such is exhausted, or if the member chooses, vacation, personal leave and banked compensatory time for the period of absence for the purpose of obtaining treatment. All treatment will be at the sole expense of the member, to the extent not covered by the member's health benefits plan.

The member will be required to satisfactorily complete any counseling, treatment or rehabilitation program before being eligible to return to duty. Upon return to duty, such member will be required to submit to a drug test and must receive a verified negative result. Such member also will be required to submit to follow-up drug tests. The number and frequency of such follow-up testing shall be directed by the SAP and will consist of no more than six tests in the 12 months following the member's return to duty. Thereafter, additional tests will be at the discretion, of the substance abuse professional for the next 48 months. Such follow-up testing will be required in addition to all other tests required by this policy. If the SAP determines that a member who is participating in a counseling, treatment or rehabilitation program is able to perform a restricted assignment while in such program, the Superintendent or a designee will, in his sole discretion, determine whether any restricted assignments are available, and, if so, will in his sole discretion assign such member to the available assignment. Further, the member must accept any restricted assignment. The failure of the member to accept such assignment will constitute a refusal to cooperate as defined herein and will result in the member's termination, if the charge is sustained in the disciplinary proceedings set forth in Article XII herein.

**X. UNANNOUNCED TESTING FOR MEMBERS ASSIGNED TO CERTAIN IDENTIFIED POSITIONS**

Members assigned to Narcotics Detectives, K-9, and plainclothes narcotics related assignments, will undergo unannounced drug testing at least once per year. This testing does not preclude members of the aforementioned units from being randomly tested at any time during the year. A member's name will not be removed from the random computer database after being chosen for unannounced testing. However, if an officer is selected for random testing before he/she is selected for unannounced testing, his/her name will be removed from the unannounced list and his/her requirement for annual unannounced testing will be deemed fulfilled.

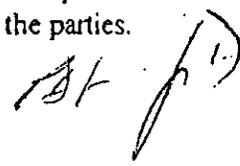


**XI. MISCELLANEOUS**

- a. The parties agree on the modifications to the list of approved rehabilitation facilities attached as Appendix 5.
- b. Members who come into contact with suspected drugs covered by this Agreement while acting within the scope of their employment will fill out a DRUG EXPOSURE FORM annexed hereto as Appendix 7. The form shall be dated, numbered and entered into the member's facility police blotter, and must be forwarded to the Superintendent or a designee along with a handwritten report from the member detailing the events of the contact or all other appropriate police reports. The Superintendent or a designee may order the member to be tested for the presence of drugs as set forth in Article II. If, in the screening of this test as set forth in Article II, there is a confirmed positive test, the MRO will request from the Superintendent or a designee a copy of the aforementioned forms and will review it in accordance with 49 CFR Part 40 and applicable DOT/DHHS guidelines prior to verification. If the MRO determines that the positive result is due to the contact described in the form, the test shall be verified as negative. (If the MRO determines that the positive result is not due to the contact described in the form, the test will be verified positive and the member will be subject to the discipline set forth in Article VII herein, unless the MRO determines that there is a legitimate medical explanation for the positive test result.)
- c. A copy of all contracts pertaining to all collection of urine specimens and laboratory services involved in this procedure shall be provided to the PBA within thirty (30) days after the Port Authority's execution of any contract(s) with the collection agencies and laboratories.

**XII. DISCIPLINARY ARBITRATION PROCEDURES FOR A CHARGE OF VIOLATION OF THE DRUG TESTING POLICY AND PROCEDURES**

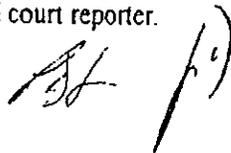
With the exception of a charge by the Port Authority that a member improperly claimed an exemption from testing pursuant to Article V, Exemptions From Drug Testing, of this Drug Testing Policy and Procedures which must be brought as a disciplinary action pursuant to the disciplinary provisions of the Memorandum of Agreement, the disciplinary procedures as set forth in this Article are the only procedures for a charge of a violation of the provisions of this Drug Testing Policy and Procedures. Specifically, the parties agree that the P.A.I. 20-1.10 or the grievance/arbitration provisions contained in the parties' Memorandum of Agreement does not apply to violations of the Drug Testing Policy and Procedures. Any member who has been charged with violating this policy, shall be placed on full suspension (no pay) until a final decision has been rendered by an arbitrator pursuant to the procedures set forth below. The decision of the arbitrator shall be final and binding on the parties.



A. The Disciplinary Hearing

A disciplinary hearing shall commence within 30 days of the Port Authority's filing of charges of: 1) a refusal to cooperate; or 2) a verified positive drug test result.

1. The charges shall be referred to an arbitrator selected from the list of individuals mutually selected by the Port Authority and the Port Authority Police Benevolent Association. The selection will be on a rotating basis based on the arbitrator's ability to schedule a hearing date within 30 days of the date of filing of the Notice of Charges and Specification for violation of the Port Authority Public Safety Department's Drug Testing Policy and Procedures. If the first arbitrator on the rotating list cannot schedule a hearing as required by this section, then the charges will be referred to the next individual on the list in sequence until an arbitrator can comply with this requirement.
2. Notice of Charges and Specifications for Violation of the Port Authority Public Safety Department's Drug Testing Policy and Procedures as set forth in this Appendix 8 shall be required in lieu of formal Charges and Specifications as set forth in PAI 20-1.10.
3. Upon a charge that a member has violated any provision of this Drug Testing Policy and Procedures, a Notice of Charges and Specifications for Violation of the Port Authority Public Safety Department's Drug Policy and Procedures (Appendix 8) must be transmitted to the office of the Association, addressed to the president of the Association, by registered mail, return receipt requested, and the date of the registration shall constitute the date of filing.
4. In order to insure expeditious proceeding the parties agree that the arbitrator shall have both the right and obligation to schedule subsequent hearing dates in order to complete the hearing expeditiously. The arbitrator shall have the right to schedule hearings after 5:00 pm on weekdays and on weekends.
5. Nothing in this section should be construed to limit the arbitrator's right to delay a hearing pending the production of information he or she deems relevant to the proceeding.
6. All proceedings shall be transcribed by a certified court reporter.

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7. The proceedings shall take place at a location designated alternatively by the Port Authority and by the PBA.
8. The arbitrator shall render his report within 30 days of the closing of the record.

B. Issues To Be Decided By The Arbitrator

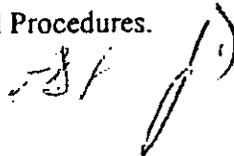
The following issues related to the specific member subject to discipline/discharge pursuant to this procedure are the only issues to be decided by the arbitrator:

1. The absence of a fatal flaw in the drug testing procedures which resulted in a positive drug test result. Fatal Flaw is defined in Appendix 6.
2. The member's refusal to cooperate as defined in Article VII, Paragraph A, herein.
3. Whether the Port Authority or its agents committed any serious and material violations during the course of the drug testing process with respect to:
  - a. the requirements of this Drug Testing Policy and Procedures;
  - b. the compliance of the MRO with the requirements set forth in 49 CFR Part 40; or
  - c. the compliance of the collection service with the requirements set forth in 49 CFR Part 40, Urine Specimen Collection Guidelines.
4. Whether the Port Authority had reasonable suspicion as defined in Article III, Paragraph A, of the Drug Testing Policy and Procedures to require a member to submit to a reasonable suspicion drug test.

C. Scope Of Arbitrator's Review

1. No Mitigating Circumstances

The arbitrator may not consider any mitigating circumstances, such as but not limited to, the member's length of service, work including disciplinary record, in determining whether a member should be disciplined for violating the Drug Testing Policy and Procedures.



2. Reinstatement Without Back Pay

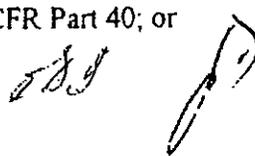
Except as set forth in paragraph 3 below, the arbitrator will not award full pay for the period of the member's suspension upon a finding that the Port Authority improperly charged that member in the following circumstances:

- a. If the charge against the member who was verified positive by the MRO in accordance with this Drug Testing Policy and Procedures and 49 CFR Part 40 is not sustained the member will be reinstated without back pay and must sign the Rehabilitation Opportunity Agreement For Positive Test Results (Appendix 2), prior to reinstatement. If a member receives a second positive test result during the period covered by the Rehabilitation Opportunity Agreement for any drug test, the member will be terminated, if the charge is sustained in a disciplinary action set forth in Article XII.
- b. If the charge against the member is not sustained because that member could not provide urine or an adequate amount of urine, and that inability was not due to a medical condition in the opinion of a licensed physician referenced herein, pursuant to Appendix VII, Paragraph A, and the member refused to sign the Failure to Cooperate: Failure to Provide Specimen Waiver Agreement attached hereto as Appendix 9.
- c. If the charge against the member is not sustained because there was no reasonable suspicion as defined in Article III, Paragraph A, of the Drug Testing Policy and Procedures so as to require the member to submit to a reasonable suspicion drug test.

3. Reinstatement With Back Pay

If a member is reinstated because the charges against him/her are not sustained due to:

- a. The arbitrator's finding that the Port Authority or its agents committed serious and material violations during the course of the drug testing process, as listed in Article XII Paragraph B and the member was not properly verified positive by the MRO pursuant to this Drug Testing Policy and Procedures or 49 CFR Part 40; or



b. The arbitrator's finding that the Port Authority improperly charged a member with Refusal to Cooperate pursuant to this Drug Testing Policy and Procedures and that the member was not verified positive pursuant to this Drug Testing Policy and Procedures or 49 CFR Part 40; or

c. The arbitrator's finding that there was a Fatal Flaw as defined in Appendix 6 herein;

then the arbitrator must award full pay for the period of the member's suspension.

*Sf*      *ds*

APPENDIX I

MEMBER NOTIFICATION FORM

As required by the Port Authority Public Safety Department's drug testing policy, I understand and agree that I must, as a condition of continued employment, submit to and satisfactorily complete drug tests. I acknowledge that I have received and read the Port Authority Public Safety Department's drug testing policy and procedures. I further understand that this document serves as notification that I have been randomly selected for a drug test to be taken on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  
(date) (time) (location)

I understand that the urine test shall be limited to internal administrative purposes only and that it shall not be used by the Port Authority in connection with any criminal investigation or prosecution.

I understand that the results of my drug test will be transmitted to me by registered mail, return receipt requested and regular mail within five business days of the date the MRO receives the results from the laboratory, to the address indicated in the Port Authority's records.

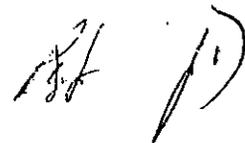
I understand that my refusal to execute this form or refusal to provide a urine specimen will constitute refusal to cooperate. The only penalty for member's refusal to cooperate is termination, if the charge is sustained in a disciplinary action set forth in Article XII herein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Port Authority Witness



APPENDIX 2

REHABILITATION OPPORTUNITY AGREEMENT  
FOR VERIFIED POSITIVE TEST RESULTS

\_\_\_\_\_, Police Officer

Employee Number \_\_\_\_\_

Date \_\_\_\_\_

In consideration of being permitted one opportunity to participate in a rehabilitation program \_\_\_\_\_, Police Officer, and the Port Authority of New York and New Jersey do hereby agree to the following action:

1. \_\_\_\_\_ must successfully complete the rehabilitation program set forth in Paragraph 2 below (Program), and agree to cooperate fully with all of the Program requirements as a condition of his/her continued employment with the Port Authority.

He understands that any failure by him/her to cooperate fully with one or more of those requirements will result in his/her dismissal from the Program and dismissal from his/her employment.

2. The Program requirements that I \_\_\_\_\_ must fully cooperate with are:

- a) I promise to be evaluated by the Port Authority's substance abuse professional.
- b) I promise to fully cooperate and participate in any recommended counseling treatment or rehabilitation program in accordance with the instructions and requirements of the program administrators.
- c) I authorize counseling or rehabilitation representatives to confer with and disclose to the Port Authority's substance abuse professional or a designated representative all information and records concerning my counseling, treatment or rehabilitation.
- d) He must successfully complete, if recommended by the Port Authority substance abuse professional, substance abuse counseling, treatment or rehabilitation program selected by the member from among those approved facilities set forth in the list attached to this Rehabilitation Opportunity Agreement.
- e) If recommended by the substance abuse professional he may, in addition to or instead, be evaluated and counseled or treated on a regular basis by one of the substance abuse rehabilitation professionals selected by the member from a list of five such rehabilitation professionals provided by the Port Authority Office of Medical Services (OMS).
- f) Upon the completion of such program, I will be evaluated by the Port Authority's substance abuse professional (or MRO) who will determine if I am medically fit to return to duty. If the substance abuse professional determines that I am fit for duty, I understand and agree that upon my return to duty I will be required to undergo

return-to-duty drug test and must receive a negative result. My failure to take such test as requested or receiving verified positive result will result in the termination of my employment.

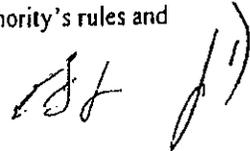
- g) I understand and agree that, upon my return to active employment, I must meet all established standards of conduct and job performance required of any other employee.
- h) I understand and agree that I will voluntarily submit to unannounced drug testing as a follow-up to the assistance or rehabilitation program, and that my failure to take such test(s) as requested, or receiving verified positive result, will result in termination of my employment. I agree that such follow-up testing shall be as directed by the substance abuse professional and will not exceed 60 months from the date of my return to duty. Follow-up tests shall consist of no more than six tests in the first 12 months following my return to duty. Thereafter, additional follow-up tests will be at the discretion of the substance abuse professional for the next 48 months. I agree that this follow-up testing will be required in addition to all other testing required by the Port Authority Public Safety Department's drug testing policy and procedures.

3. \_\_\_\_\_ understands that if he fails to cooperate fully with any counseling, treatment or rehabilitation program requirements, and the requirements set forth in Paragraph 2 above, or if he receives a verified positive test result for the second time he will be dismissed from the Program and dismissed from employment if the charge is sustained in a disciplinary action set forth in Article XII of the Drug Testing Policy and Procedures of the Memorandum of Agreement. However, I understand and agree that if I receive a verified positive test result for the second time, the only issue to be decided by the arbitrator is set forth in Article XII, B. 1 of the Drug Testing Policy and Procedures of the Memorandum of Agreement. In addition, I understand and agree that if I fail to cooperate fully with any of the counseling, treatment or rehabilitation program requirements or the requirements set forth in paragraph 2 above, the only issue to be decided by the arbitrator is whether I failed to fully cooperate with the program requirements or the requirements set forth in paragraph 2 above.

I further understand and agree that such discipline imposed under this Agreement is not subject to the grievance/arbitration provisions of the parties' collective bargaining agreement.

4. I understand and agree that my future employment depends upon my compliance with the Port Authority Public Safety Department's Drug Testing Policy and Procedures for the entire duration of my continued employment, and that this opportunity to participate in such counseling, treatment or rehabilitation program is conditioned accordingly. Such conditions, including those above, are agreed to in addition to the Port Authority's rules under the Public Safety Department's Drug Testing Policy and Procedures.

5. \_\_\_\_\_ understands that neither his participation nor successful completion of the Program will not require or result in special privileges or exemptions from the standard administrative practices applicable to required job performance and the Port Authority's rules and



regulations. He further understands that upon being determined by OMS to be medically fit to return to duty and pursuant to the recommendation of Public Safety, he may be transferred to a different Facility Police Command and may lose any existing rights related to existing work chart including special detail(s) and preferred assignment(s).

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Port Authority Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Police Benevolent Association, Inc.

\_\_\_\_\_  
Date

*AL* *df*

APPENDIX 3

REHABILITATION OPPORTUNITY AGREEMENT  
FOR SELF-IDENTIFICATION SITUATIONS

\_\_\_\_\_, Police Officer

Employee Number \_\_\_\_\_

Date \_\_\_\_\_

In consideration of being permitted one opportunity to participate in a rehabilitation program \_\_\_\_\_, Police Officer, and the Port Authority of New York and New Jersey do hereby agree to the following action:

1. \_\_\_\_\_ must successfully complete the rehabilitation program set forth in Paragraph 2 below (Program), and agree to cooperate fully with all of the Program requirements as a condition of his/her continued employment with the Port Authority.

He understands that any failure by him/her to cooperate fully with one or more of those requirements will result in his/her dismissal from the Program and dismissal from his/her employment.

2. The Program requirements that I \_\_\_\_\_ must fully cooperate with are:
- a) I promise to be evaluated by the Port Authority's substance abuse professional.
  - b) I promise to fully cooperate and participate in any recommended counseling, treatment or rehabilitation program in accordance with the instructions and requirements of the program administrators.
  - c) I authorize counseling or rehabilitation representatives to confer with and disclose to the Port Authority's substance abuse professional or a designated representative all information and records concerning my counseling, treatment or rehabilitation.
  - d) He must successfully complete, if recommended by the Port Authority substance abuse professional, substance abuse counseling, treatment or rehabilitation program selected by the member from among those approved facilities set forth in the list attached to this Rehabilitation Opportunity Agreement.
  - e) If recommended by the substance abuse professional he may, in addition to or instead, be evaluated and counseled or treated on a regular basis by one of the substance abuse rehabilitation professionals selected by the member from a list of five such rehabilitation professionals provided by the Port Authority Office of Medical Services (OMS).



- f) Upon the completion of such program, I will be evaluated by the Port Authority's substance abuse professional (or MRO) who will determine if I am medically fit to return to duty. If the substance abuse professional determines that I am fit for duty, I understand and agree that upon my return to duty I will be required to undergo a return-to-duty drug test and must receive a negative result. My failure to take such test as requested or receiving verified positive result will result in the termination of my employment.
- g) I understand and agree that, upon my return to active employment, I must meet all established standards of conduct and job performance required of any other employee.
- h) I understand and agree that I will voluntarily submit to unannounced drug testing as a follow-up to the assistance or rehabilitation program, and that my failure to take such test(s) as requested, or receiving verified positive result, will result in termination of my employment. I agree that such follow-up testing shall be as directed by the substance abuse professional and will not exceed 60 months from the date of my return to duty. Follow-up tests shall consist of no more than six tests in the first 12 months following my return to duty. Thereafter, additional follow-up tests will be at the discretion of the substance abuse professional for the next 48 months. I agree that this follow-up testing will be required in addition to all other testing required by the Port Authority Public Safety Department's drug testing policy and procedures.

3. \_\_\_\_\_ understands that if he fails to cooperate fully with any counseling, treatment or rehabilitation program requirements, and the requirements set forth in Paragraph 2 above, or if he receives a verified positive test result for the second time he will be dismissed from the Program and dismissed from employment, if the charge is sustained in a disciplinary action as set forth in Article XII of the Drug Testing Policy and Procedures of the Memorandum of Agreement. However, I understand and agree that if I receive a verified positive test result for the second time, the only issue to be decided by the arbitrator is set forth in Article XII, B. 1 of the Drug Testing Policy and Procedures of the Memorandum of Agreement. In addition, I understand and agree that if I fail to cooperate fully with any of the counseling, treatment or rehabilitation program requirements or the requirements set forth in paragraph 2 above, the only issue to be decided by the arbitrator is whether I failed to fully cooperate with the program requirements or the requirements set forth in paragraph 2 above.

4. I understand and agree that my future employment depends upon my compliance with the Port Authority Public Safety Department's Drug Testing Policy and Procedures for the entire duration of my continued employment, and that this opportunity to participate in such counseling, treatment or rehabilitation program is conditioned accordingly. Such conditions, including those above, are agreed to in addition to the Port Authority's rules under the Public Safety Department's Drug Testing Policy and Procedures.

5. \_\_\_\_\_ understands that neither his participation nor successful completion of the Program will not require or result in special privileges or exemptions from the standard administrative practices applicable to required job performance and the Port Authority's rules and regulations. He further understands that upon being determined by OMS to be medically fit to return to

duty, and pursuant to the recommendation of Public Safety, he may be transferred to a different Facility  
Police Command and may lose any existing rights related to existing work chart including special  
mail(s) and preferred assignment(s).

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Port Authority Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Police Benevolent Association, Inc.

\_\_\_\_\_  
Date

*AB* *J*

APPENDIX 5

REHABILITATION FACILITIES

NEW YORK CITY

Smithers  
1000 10<sup>th</sup> Avenue-Floor 10G  
New York, NY 10019  
(212) 523-6491  
Inpatient/Outpatient

Gracie Square Hospital  
421 E. 75<sup>th</sup> Street  
New York, NY 10021  
(212) 988-4400  
Inpatient

Gracie Square Hospital  
416 E. 76<sup>th</sup> Street  
New York, NY 10021  
(212) 988-4400  
Outpatient

Stuyvesant Square  
10D Perlman Place  
Bernstein Pavilion  
New York, NY 10013  
(212) 420-2966  
Outpatient

Arms Acres  
1841 Broadway - Suite 300  
New York, NY 10023  
(212) 399-6901  
Outpatient

BROOKLYN

Long Island College Hospital  
255 Duffield Street - 3<sup>rd</sup> Floor  
Brooklyn, NY 11201  
(718) 522-4800  
Outpatient

New Directions  
202-206 Flatbush Avenue  
Brooklyn, NY 11217  
(718) 398-0800  
Outpatient



REHABILITATION FACILITIES

QUEENS

Long Island Jewish Medical Center                      Inpatient/Outpatient  
(Hillside Hospital)  
75-59 263<sup>rd</sup> Street  
Glen Oaks, NY 11004  
(718) 470-8925

New York Hospital    Inpatient  
56-45 Main Street  
Flushing, NY 11355  
(718) 670-1240

New York Hospital    Outpatient  
(New Start/New Life)  
174-11 Horace Harding Expressway  
Fresh Meadows, NY 11365  
(718) 670-1550

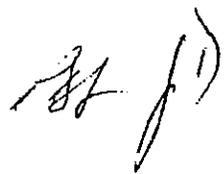
STATEN ISLAND

Staten Island University Hospital                      Inpatient/Outpatient  
375 Seguin Avenue  
Staten Island, NY 10309  
718) 356-8910

LONG ISLAND

South Oaks Hospital    Inpatient/Outpatient  
100 Sunrise Highway  
Selden, NY 11701  
(631) 264-4000

Seaford Center    Inpatient/Outpatient  
Seaford Lane  
Westhampton Beach, NY 11978  
(631) 288-1122



REHABILITATION FACILITIES

LONG ISLAND (cont'd)

Nassau County Medical Center  
2201 Hempstead Turnpike - Bldg. K  
East Meadow, NY 11554  
(516) 572-5555

Inpatient/Outpatient

PUTNAM

Arms Acres  
75 Seminary Hill Road.  
Carmel, NY 10512  
(914) 225-3400

Inpatient/Outpatient

WESTCHESTER

United Hospital  
406 Boston Post Road  
Port Chester, NY 10573  
(914) 934-3000

Inpatient/Outpatient

St. Vincent's Hospital  
240 North Street  
Harrison, New York 10528  
(914) 967-6500

Inpatient/Outpatient

The New York Hospital  
Cornell Medical Center  
21 Bloomingdale Road  
White Plains, New York 10605  
(914) 682-9100

Inpatient/Outpatient

NEW JERSEY

Carrier Foundation  
County Route 601  
Belle Mead, NJ 08502  
(908) 281-1000

Inpatient/Outpatient



REHABILITATION FACILITIES

NEW JERSEY (cont'd)

Princeton House  
905 Herrontown Road  
Princeton, NJ 08540  
(609) 497-3300  
Inpatient

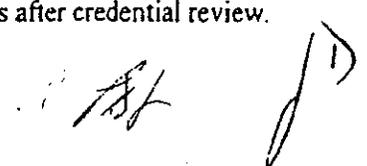
Princeton House  
253 Witherspoon Street - Suite B  
Princeton, NJ 08540  
(609) 497-3300  
Outpatient

Carter Behavioral Health Systems of NJ  
(Formerly Fair Oaks Hospital)  
19 Prospect Street  
Summit NJ 07901  
(908) 522-7000  
Inpatient/Outpatient

High Focus Center  
299 Market Street - Suite 110  
Saddlebrook, NJ 07663  
(800) 877-FOCUS  
Outpatient

Any Veterans Hospital facility.

Other facilities will be considered on a case by case basis after credential review.

Handwritten initials 'AK' and a signature 'JD' are present in the lower right area of the page.

**APPENDIX 6**  
**FATAL FLAWS**

**A. Definitions**

Any of the following errors or omissions are considered "fatal flaws" and should result in a specimen being rejected for testing by the laboratory:

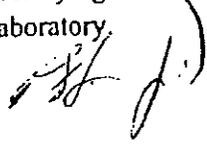
1. Pre-printed specimen I.D. number on the chain of custody form does not match I.D. number on the bottles.
2. No specimen I.D. number on the bottles.
3. Insufficient quantity of urine for the laboratory to complete testing.
4. Specimen bottle(s) seal is broken or shows evidence of tampering.
5. Specimen is obviously adulterated (i.e. color, foreign objects, unusual odor) and the collector did not collect a second specimen under direct observation.

The following errors or omissions are also considered "fatal flaws" unless they are corrected by signed documentation:

- (a) No collector's signature on collector certification statement.
- (b) Incomplete chain of custody block (minimum of 2 signed entries by collector, both dated, and shipping/storage entry). There is no requirement to have the courier sign the chain of custody form.
- (c) Donor Social Security Number or I.D. number is omitted on the custody and control form, unless "refusal of donor to provide" is stated in the remarks section.

Additionally, specimen test results reviewed by the Medical Review Officer should be canceled (by the MRO) when the following procedural errors occur (unless corrections are made):

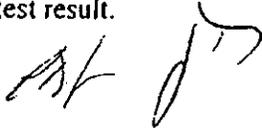
- (a) Donor certification statement is not signed and there is no indication in the remarks section of the donor's refusal to sign.
- (b) The certifying scientist's signature is omitted on positive results from the laboratory.



B. "Fatal Flaw" Corrective Action

All DHHS certified laboratories retained by the Port Authority will retain specimens for a minimum of five working days to allow the collector or the Port Authority to provide the laboratory with signed statements explaining or correcting procedural errors or omissions. If the employer or collector provides corrective actions (signed statements) which supply the needed information, the laboratory may proceed with the analysis of the specimen. If the corrective action is not accomplished within five days, the collection process may not be corrected and the laboratory will not test the specimen. Similarly, the MRO may elect to seek corrective actions (signed statements) to supply omitted donor or certifying scientists' signatures.

When a specimen is not tested by the laboratory for reasons outlined above, or the test result is considered invalid by the MRO for reasons outlined above, the test should be canceled and reported as such to the Port Authority and the tested individual. Return-to-duty fatally flawed collections, will be re-collected at the direction of the MRO because the donor still needs to provide a negative test result.

Handwritten initials or signature, possibly "AK" followed by a stylized flourish.

APPENDIX 7

DRUG EXPOSURE FORM

I, \_\_\_\_\_, have had direct contact with the following controlled substances: marijuana, opiates, amphetamines, cocaine and phencyclidine or their metabolites, in the performance of my Police activities within the past three days.

Define direct contact and specifically describe circumstance on how it occurred.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) of such contact

\_\_\_\_\_  
\_\_\_\_\_

Location(s) of such contact

\_\_\_\_\_  
\_\_\_\_\_

Date and nature of any reports prepared by me in connection with such contact

\_\_\_\_\_  
\_\_\_\_\_

Name of supervisor(s) or witness(es) who can verify that direct contact occurred in the performance of Police activity

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Port Authority Witness

\_\_\_\_\_  
Date

*[Handwritten signature]*

APPENDIX 8

**NOTICE OF CHARGES AND SPECIFICATIONS FOR VIOLATION OF THE PORT  
AUTHORITY PUBLIC SAFETY DEPARTMENT'S DRUG POLICY AND PROCEDURES**

TO: PBA Member \_\_\_\_\_ CC: PBA

FROM: Fred Morrone, Director of Public Safety Department

DATE:

SUBJECT: Disciplinary Action For Violation Of Drug Policy And Procedures  
.....

On the \_\_\_\_\_ day of \_\_\_\_\_ you violated the Public Safety Department's  
Drug Policy and Procedures by:

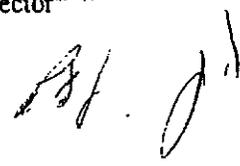
- a refusal to cooperate
- verified positive drug test result

If it is determined that a member refused to cooperate, the facts which constitute the  
basis of the charge must be set forth below \_\_\_\_\_  
\_\_\_\_\_

Therefore, you are subject to disciplinary action in accordance with the disciplinary  
procedures contained in the Public Safety Department's Drug Policy and Procedures.

The penalty sought is termination.

Fred Morrone  
Director



WAIVER - APPENDIX 9  
CONTROLLED SUBSTANCE TESTING

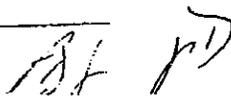
FAILURE TO COOPERATE: FAILURE TO PROVIDE SPECIMEN

It is hereby stipulated and agreed, by and between the undersigned that the parties in resolution of this disciplinary matter that:

1. \_\_\_\_\_ shall submit to unannounced drug testing at the discretion of the Port Authority's substance abuse professional for a period of up to 60 months commencing with the execution of this waiver. Such follow-up testing will be required in addition to all other tests required by the Drug Testing Policy and Procedures. Follow-up tests shall consist of no more than six tests in the first 12 months following said member's return to duty.
  
2. Upon notification of the Port Authority's substance abuse professional, the Superintendent or a designee shall be responsible for the scheduling of the follow-up testing. \_\_\_\_\_ must report to the scheduled submission site within the time designated unless they are absent due to an excused absence or personal leave as defined in Appendix H of the parties Memorandum of Agreement, an assignment or excusal authorized by the Superintendent or designee, and military leave, sickness or injury incurred in the line of duty, compensatory time, vacation, holidays, or assignment out of the Port District which has been scheduled before the member was notified to report for drug testing. \_\_\_\_\_ must remain at the collection site until the test has been completed, and this will occur no later than two hours after the conclusion \_\_\_\_\_ tour. If \_\_\_\_\_ reports absent due to sickness, IOD, or personal leave on the test date, \_\_\_\_\_ must provide a urine specimen the next time specimen collection takes place at the facility while \_\_\_\_\_ is on duty.
  
3. Upon execution of this waiver and prior to reinstatement, \_\_\_\_\_ will be evaluated by the Port Authority's substance abuse professional, who will determine if member is medically fit to return to duty. If the substance abuse professional determines that the member is fit for duty, the member understands and agrees that he/she will be required to undergo a return-to-duty drug test and must receive a negative result. Failure to take such a test as requested or receiving a verified positive result will result in termination of \_\_\_\_\_ employment.
  
4. \_\_\_\_\_ understands that if he/she fails to cooperate with any requirements set forth as part of this waiver agreement, or if \_\_\_\_\_ receives as verified positive test result, \_\_\_\_\_ will be dismissed from employment if the charge is sustained in a disciplinary action set forth in Article XII of the Drug Testing Policy and Procedures of the Memorandum of Agreement. However, I understand and agree that if I receive a verified positive test result for the second time, the only issue to be decided by the arbitrator is set forth in Article XII, B. 1 of the Drug Testing Policy and Procedures of the Memorandum of Agreement. In addition, I understand and agree that if I fail to cooperate fully with any requirements set forth in this agreement, the only issue to be decided by the arbitrator is whether I failed to cooperate with the requirements set forth in this agreement.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
PA Witness



APPENDIX 10

SPLIT SPECIMEN REQUEST

TO: Medical Review Officer

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

Split specimen analysis must be requested within 72 hours after Medical Review Officer verified test as positive.

I, \_\_\_\_\_, \_\_\_\_\_ request my split specimen of \_\_\_\_\_  
Name Employee No. Date

be analyzed at another DHHS-certified laboratory for the presence of \_\_\_\_\_  
Substance(s)

\_\_\_\_\_  
Signature Date

AK 11

## Port Compact of 1921

**Whereas**, In the year eighteen hundred and thirty-four the states of New York and New Jersey did enter into an agreement fixing and determining the rights and obligations of the two states in and about the waters between the two states, especially in and about the bay of New York and the Hudson river; and

**Whereas**, Since that time the commerce of the port of New York has greatly developed and increased and the territory in and around the port has become commercially one center or district; and

**Whereas**, It is confidently believe that a better coordination of the terminal, transportation and other facilities of commerce in , about and through the port of New York, will result in great economies, benefiting the nation, as well as the states of New York and New Jersey; and

**Whereas**, The future development of such terminal, transportation and other facilities of commerce will require the expenditure of large sums of money and the cordial co-operation of the states of New York and New Jersey in the encouragement of the investment of capital, and in the formulation and execution of the necessary physical plans; and

**Whereas**, Such result can best be accomplished through the co-operation of the two states by and through a joint or common agency.

Now, therefore, the said states of New Jersey and New York do supplement and amend the existing agreement of eighteen hundred and thirty-four in the following respects:

### ARTICLE I

They agree to and pledge, each to the other, faithfully co-operation in the future planning and development of the port of New York, holding in high trust for the benefit of the nation the special blessings and natural advantages thereof.

### ARTICLE II

To that end the two states do agree that there shall be created and they do hereby create a district to be known as the "Port of New York District" (for brevity hereinafter referred to as "The District") which shall embrace the territory bounded and described as follow ...(See map, Appendix B.)

### ARTICLE III

There is hereby created "The Port of New York Authority" (for brevity hereinafter referred to as the "Port Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated, and such other and additional power as shall be conferred upon it by the legislature of either state concurred in by the legislature of the other, or by acts of congress, as hereinafter provided.

### ARTICLE IV (as amended, 1930)

The port authority shall consist of twelve commissioners, six resident voters from the state of New York, at least four of whom shall be resident voters of the city of New York, and six resident voters from the state of New Jersey, at least four of whom shall be resident voters within the New Jersey portion of the district, the New York members to be chosen by the state of New York and the New Jersey members by the state of New Jersey in the manner and for the terms fixed and determined from time to time by the legislature of each state respectively, except as herein provided.

Each commissioner may be removed or suspended from office as provided by the law of the state from which he shall be appointed.

### ARTICLE V

The commissioners shall, for the purpose of doing business, constitute a board and may adopt suitable by-laws for its management.

### ARTICLE VI

The port authority shall constitute a body, both corporate and politic, with full power and authority to purchase, construct, lease and/or operate any terminal or transportation facility within said district; and to make charges for the use thereof; and for any of such purposes to own, hold lease and/or operate real or personal property, to borrow money and secure the same by bonds or by mortgages upon any property held or to be held by it. No property now or hereafter vested in or held by either state, or by any county, city, borough, village, township or other municipality, nor shall anything herein impair or invalidate in any bonded indebtedness of such state, county, city borough, village, township or other municipality, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property, or dedicating the revenues derived from any municipal property to a specific purpose.

The powers granted in this article shall not be exercised by the port authority until the legislature of both states shall have approved of a comprehensive plan for the development of the port as hereinafter provided.

ARTICLE VII

The port authority shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other. Unless and until otherwise provided, it shall make an annual report to the legislature of both states, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder. The port authority shall not pledge the credit of either state except by and with the authority of the legislature thereof.

ARTICLE VIII

Unless and until otherwise provided, all laws now or hereafter vesting jurisdiction or control in the public service commission, or the public utilities commission, or like body, within each state respectively, shall apply to railroads and to any transportation, terminal or other facility owned, operated, leased or constructed by the port authority, with the same force and effects as if such railroad, or transportation, terminal or other facility were owned, leased, operated or constructed by a private corporation.

ARTICLE IX

Nothing contained in this agreement shall impair the powers of any municipality to develop or improve port and terminal facilities.

ARTICLE X

The legislature of the two states, prior to the signing of this agreement, or thereafter as soon as may be practicable, will adopt a plan or plans for the comprehensive development of the port of New York.

ARTICLE XI

The port authority shall from time to time make plans for the development of said district, supplementary to or amendatory of any plan theretofore adopted, and when such plans are duly approved by the legislature of the two states, they shall be binding upon both states with the same force and effect as if incorporated in this agreement.

ARTICLE XII

The port authority may from time to time make recommendations to the legislature of the two states or to congress of the United States, based upon study and analysis, for the better conduct of the commerce passing in and through the port of New York, the increase and improvement of transportation and terminal facilities therein, and the more economical and expeditious handling of such commerce.

ARTICLE XIII

The port authority may petition any interstate commerce commission(or like body), public service commission, public utilities commission (or like body), or any other federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, after the adoption of the comprehensive plan as provided for in Article X for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the port authority, may be designed to improve or better the handling of commerce in and through said district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the port.

ARTICLE XIV

The port authority shall elect from its number a chairman, vice-chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

ARTICLE XV

Unless and until the revenues from operations conducted by the port authority are adequate to meet all expenditures, the legislatures of the two states shall appropriate, in equal amounts, annually, for the salaries, office and other administrative expenses, such sum or sums as shall be recommended by the port authority and approved by the governors of the two states, but each state obligates itself hereunder only to the extent of one hundred thousand dollars in any one year.

ARTICLE XVI (as amended, 1930)

Unless and until determined by the action of the legislatures of the two states, no action of the port authority shall be binding unless taken at a meeting at which at least three of the members from each state are present, and unless a majority of the members from each state present at such meeting, but in any event at least three of the members from each state, shall vote in favor thereof. Each state reserve the right hereafter to provide by law for the exercise of a veto power by the governor thereof over any action of any commissioner appointed therefrom.

ARTICLE XVII

Unless and until otherwise determined by the action of the legislatures of the two states, the port authority shall not incur any obligations for salaries, office or other administrative expenses, within the provisions of article XV, prior to the making of appropriations adequate to meet the same.

ARTICLE XVIII

The port authority is hereby authorized to make suitable rules and regulations not inconsistent with the constitution of the United States or of either state, and subject to the exercise of the power of congress, for the improvement of the conduct of navigation and commerce, which when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

ARTICLE XIX

The two states shall provide penalties for violations of any order, rule or regulation of the port authority, and for the manner of enforcing the same.

ARTICLE XX

The territorial or boundary lines established by the agreement of eighteen hundred and thirty-four, or the jurisdiction of the two states established thereby, shall not change except as herein specifically modified.

ARTICLE XXI

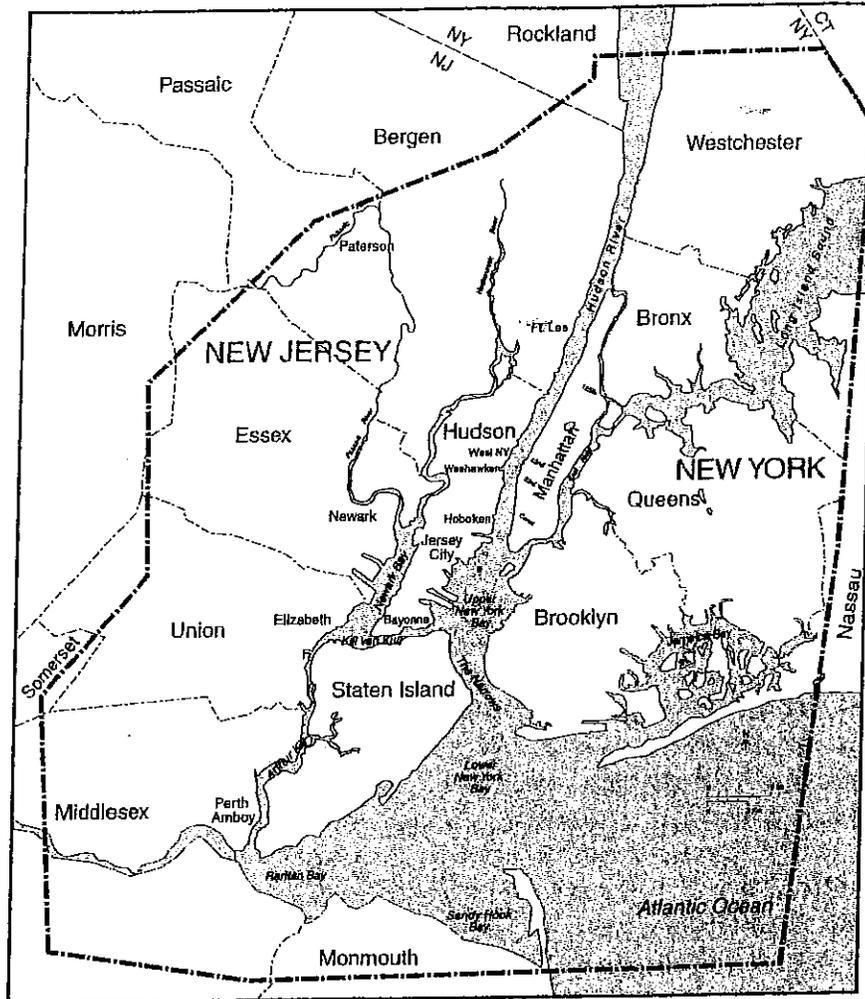
Either state may by its legislature withdraw from this agreement in the event that a plan for the comprehensive development of the port shall not have been adopted by both states on or prior to July first, nineteen hundred and twenty-three; and such withdrawal shall have been communicated to the governor of the other state by the state so withdrawing, this agreement shall be thereby abrogated.

ARTICLE XXII

Definitions. The following words as herein used shall have the following meaning: "Transportation facility" shall include railroads, steam or electric, motor truck or other street or highway vehicles, tunnels, bridges, boats, ferries, car-floats, lighter, tugs, floating elevators, barges, scows or harbor craft of any kind, air craft suitable for harbor service, and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property. "Terminal facility" shall include wharves, piers, slips, ferries, docks, dry docks, bulkheads, dock walls, basins, car-floats, float-bridges, grain or other storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances, and every kind of terminal or storage facility now in use or hereafter designed for the use for handling, storage, loading or unloading of freight at steamship, railroad or freight terminals. "Railroads" shall include railway, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power houses, substations, lines for the transmission of power, car barns, shops, yards, siding, turn-outs, switches, stations and approaches thereto, cars and motive equipment. "Facility" shall include all work, buildings, structures, appliances and appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of such facility or facilities or any one or more of them.

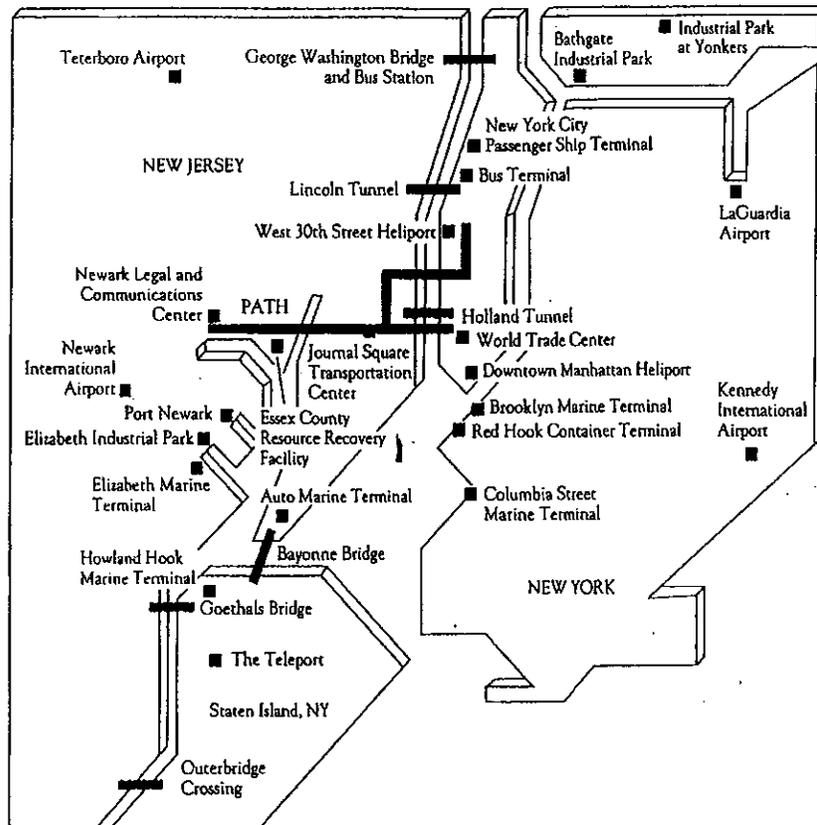
In witness whereof, we have hereunto set our hands and seals under Chapter 154 of the Laws of 1921 of the state of New York and Chapter 151 of the Laws of 1921 of the State of New Jersey, this thirtieth day of April, 1921

William R. Willcox  
Eugenius H. Outerbridge  
Charles D. Newton  
J. Spencer Smith  
DeWitt Van Buskirk  
Frank R. Ford  
Thomas F. McCran



The Port of New York District, created in April 1921. The district includes the region's main waterways, the five counties of New York City, and portions of nine counties in New Jersey and of three counties in suburban New York State.

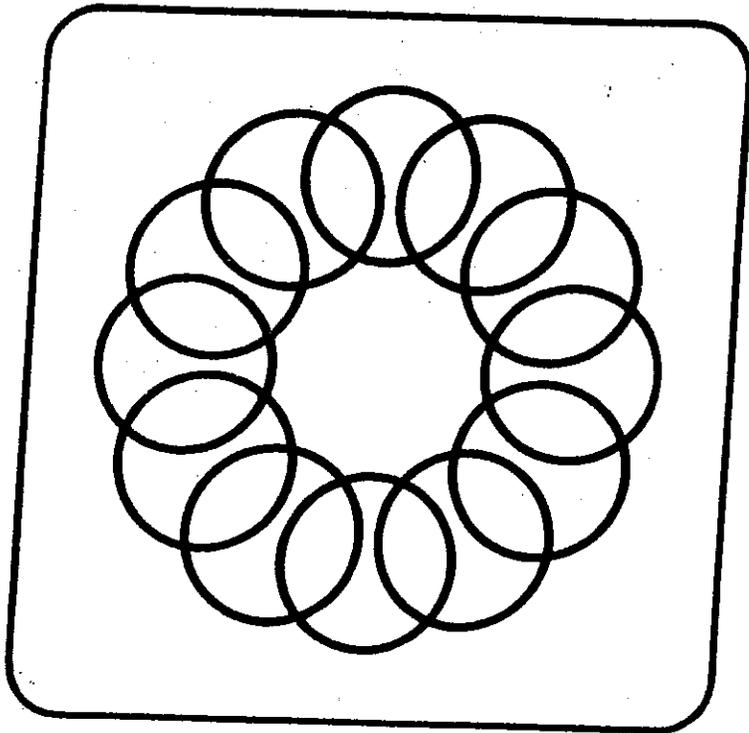
# PORT AUTHORITY FACILITIES MAP



- John F. Kennedy International Airport
- LaGuardia Airport
- Newark International Airport
- Downtown Manhattan Heliport
- Bayonne Bridge
- Goethals Bridge
- Outerbridge Crossing
- George Washington Bridge and Bus Station
- Holland Tunnel
- Lincoln Tunnel
- Port Authority Bus Terminal
- Port Authority Trans-Hudson (PATH) System/  
Journal Square Transportation Center
- World Trade Center
- Newark Legal Center
- Industrial Park at Elizabeth
- The Teleport
- New York City Passenger Ship Terminal
- Port Authority Marine Terminals: Auto;  
Brooklyn/Red Hook; Columbia Street; Elizabeth;  
Howland Hook; Greenville Yard; and  
Port Newark.

# **General Rules And Regulations**

**For All Port Authority Employees**



This booklet describes essential Port Authority policies on standards of conduct and performance, safety, ethics, financial matters, and other topics. It explains the rules and regulations which apply to you and every employee to help you understand your role both on and off the job. Please keep this booklet available for easy reference.

Along with this booklet, the Port Authority also publishes other sources of information with which you should be familiar. They include:

- the Port Authority Instructions (PAIs)
- the Operation and Maintenance Standards and Instruction Manuals
- departmental and facility rules
- various safety booklets.

The rules provided in this booklet apply to all Port Authority employees. No existing rule, regulation, order or directive which is inconsistent with the rules and regulations here published shall have any effect. Departmental or work unit rules or regulations consistent with the rules and regulations in this booklet are hereby preserved and authorized, and all existing and future Port Authority Instructions must be complied with.

April 1990

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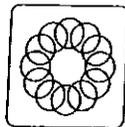
In Relation to the Port Authority  
Personal

**10. Disciplinary Action**

## 1. Applying The Rules

These rules cover a number of areas, as may be seen by the outlined Table of Contents. *A thorough knowledge of the rules is essential.* If there is anything in them that you do not understand, ask your immediate supervisor for an explanation. If you need to refer to the PAIs in the Administrative Manual, and do not have direct access to a copy, contact your supervisor or unit head.

1. Every effort must be made to carry out these rules, in both their letter and their spirit.
2. It is each employee's responsibility to observe all official regulations and instructions affecting the operations of Port Authority properties, revenues and other related matters.
3. All instructions from supervisors, no matter how stated, transmitted or received, must be followed. Instructions printed on official Port Authority forms, cards, or passes have the same validity as any formal regulations.



## 2. Ethics

Individual and group ethics are basically the same. The highest standards applied in upholding a personal reputation should be applied to protecting the good name of the Port Authority and your position as a trusted employee. (In addition, see PAI 20-1.15, Code of Ethics and Financial Disclosure.)

### General

1. No employee may, directly or indirectly, use or attempt to use his employment with the Port Authority to secure unwarranted privileges, exemptions or other benefits for himself or for others.
2. Attempts to obtain preferential treatment within the Port Authority through "influence," political or otherwise, are strictly prohibited.

3. It is imperative that employees be honest and accurate. In presenting information, if you are not sure of all the facts or details, or their completeness, be sure to indicate the limits to which you can vouch for its accuracy.

4. All employees designated in or pursuant to the Code of Ethics and Financial Disclosure (PAI 20-1.5) must submit a Financial Disclosure Statement (form PA 3375) to the Law Department on or before May 1 of each year.

A newly hired or promoted employee subject to the financial disclosure requirement must submit a Financial Disclosure Statement to the Law Department no later than thirty calendar days after the date on which the employee commences his or her duties.

#### **Soliciting and Purchasing**

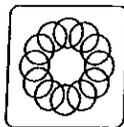
1. No transportation or any kind of special treatment is to be solicited or accepted from Port Authority patrons or tenants.

2. It is forbidden to accept awards or gratuities from patrons or tenants in connection with work as an employee of the Port Authority. Accepting valuable articles from them in payment for personal services or as a pledge for future payment of fees or money loaned is prohibited. Gratuities may be accepted where they are specifically authorized, such as tips to Skycaps. For further details on this subject, see PAI 20-1.06.

3. Unless there is authorization from the responsible department head, an employee should neither solicit nor contribute, directly or indirectly, money or valuables to be used in matters affecting the Port Authority or people connected with it. (See PAI 15-5.01.)

4. Supervisory employees are never to solicit contributions from those under their supervision.

5. Purchases should never be made from persons on Port Authority property unless they are officially authorized vendors. These authorized vendors must display identification issued by the Port Authority.



### 3. Conduct

These are the rules covering the areas of good taste and proper conduct in relations with fellow employees and the public. In these areas individual tastes and habits must sometimes take second place to the needs and preferences of the group.

#### **On the Job**

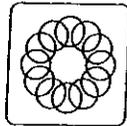
1. Employees on duty must never, under any circumstances, brandish weapons or engage in horseplay.
2. Employees should never enter into altercations while on duty.
3. a) Consumption of intoxicants by employees while engaged in the duties of their employment or in uniform is prohibited, except with the approval of the proper authority.  
b) Possession or use of narcotics on Port Authority property is prohibited.
4. Gambling on Port Authority property is prohibited.
5. Uniformed employees should never smoke while on duty, except in rest rooms or authorized places.
6. Relations with fellow employees, as well as those with the public and supervisors, should be handled with tact and courtesy at all times. The use of abusive or indecent language is prohibited.

#### **Off the Job**

1. Time off duty should not be used in a manner which is likely to hinder employees from the efficient performance of their duties or to bring discredit upon the Port Authority. Consumption of intoxicants or use of narcotics prior to reporting for the performance of the duties of Port Authority employment, in such measure as to impair an employee's ability to perform these duties properly, is prohibited, *as is any other activity having the same effect.*
2. Affiliation with groups or organizations which may interfere with the employee's proper performance of his Port Authority duties is barred. If there is any doubt concerning the acceptability of any such affiliation, your department head should be consulted for approval.

3. Full-time Port Authority employees should not engage in services for compensation for other individuals or organizations, except with approval in advance. Approval may be granted by the employee's supervisor, department head, and the Personnel Director. For a full statement of this rule, see PAI 20-1.04.

4. As public servants, Port Authority employees must not participate in certain kinds of partisan political activity—as outlined in PAI 20-1.07. These restrictions are not, of course, intended to interfere with their rights as citizens to vote and express their personal views on political subjects and candidates.

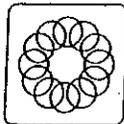


## **4. Public Relations**

Because the public tends to judge an organization by its employees, it is essential that their behavior be above reproach.

1. No employee shall commit any act or neglect any duty which in any way is prejudicial to good order, discipline, or efficiency, or reflects unfavorably upon the good name or reputation of the Port Authority or those of the general public, whether or not such act or neglect is specifically mentioned in these rules.
2. It is important that public and business contacts be conducted with politeness and respect. Polite handling of complaints and criticisms, and immediate corrective action or reference to a supervisor, are necessary.
3. An employee's name and/or number shall be given promptly to anyone on request.
4. Employees assigned to guide visitors who are not Port Authority employees should make every effort to see that the visitors observe all appropriate rules and regulations.
5. Employees should be on the alert at all times to prevent members of the general public from committing the following acts:
  - a) destroying, injuring, defacing, or disturbing in any way any

- sign, equipment, marker, or other structure or any other public property of the Port Authority facilities.
- b) abandoning any personal property, or discarding litter in places other than in designated receptacles.
- c) smoking in prohibited places.
6. a) Before being permitted access to the non-public facilities or portions of facilities, all persons not regularly employed by the Port Authority are required to report to the office of the Manager of a facility. For a full statement on this policy, see PAI 50-1.03.
- b) Before admission can be granted to any site where construction or demolition projects are in progress, Port Authority employees not engaged in work on that site must have some form of written authorization by a department or division head. This is in addition to the usual Port Authority identification card.
7. Publicity, such as answers to queries from public and private news agencies, should be given out only with the approval of the Public Affairs Department, as stated in PAI 50-1.01. All requests for publicity, either spoken or written, should be referred to the immediate supervisors, who will in turn refer them to the Public Affairs Department.
8. Public speeches concerning the Port Authority may be made only with the approval of the Director of Public Affairs.



## 5. Doing The Job

Each Port Authority position involves the performance of certain stated duties and has certain standards of performance which must be met. There are also certain general regulations covering employees' overall responsibilities regarding their work.

### General Duties

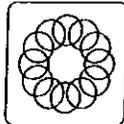
1. An employee must maintain an acceptable standard of performance in order to be retained in his position.

2. Port Authority work must be performed whenever and wherever assigned, except when an employee is so unqualified to do the work that he may endanger himself and others by doing it. This exception applies particularly to emergencies—when an employee may increase, rather than decrease, the danger of the situation by performing tasks for which he is not qualified.
3. An employee, even if he is generally assigned to fixed hours, may be called in at any time it is necessary (except that if he is on sick leave, he may only be called in by, or with the approval of, the Medical Director).
4. Employees under medical restriction as to their work activities should work only within the limits of these restrictions. They should call their supervisor's attention to the restrictions if assigned to work contrary to them.
5. Being in the proper place at the proper time constitutes a part of the work just as much as any specific duties. Therefore, excessive absence or tardiness may be considered sufficient cause for disciplinary action.
6. Employees directly serving patrons and tenants should not leave their assigned posts until they are relieved or excused. Employees on shift work must under no circumstances leave their posts until officially relieved.
7. It is essential that employees be alert at all times while on the job. Only such reading or writing as is authorized or necessary to the job may be done while on duty. Sleeping or dozing on duty is a serious infraction.

#### **Working Uniforms**

1. The assigned Port Authority badges, insignia, and uniforms shall be worn at all times while on duty. No badges, decorations or insignia other than those authorized should be worn on these uniforms. Uniforms may be worn only while on duty, and may not be worn home without specific approval.
2. Employees must wear the uniforms and safety equipment assigned to them for performing their duties, except in extreme emergency.
3. Employees should use the assigned locker rooms when changing their clothing. They must not leave clothing at any other location in their facility, except in emergency or as designated by the facility manager.

4. Cleanliness and care in the maintenance of uniforms is the responsibility of each employee to whom uniforms are assigned. When the cleaning of uniforms is provided by the Port Authority, it is the employee's duty to use clean uniforms as needed; when the employee receives a uniform allowance, he is responsible for proper uniform maintenance.



## **6. Reporting Attendance And Absence**

The efficiency of an organization can be seriously impaired when normal procedures of reporting attendance and absence are not followed. In the usual daily routine, and especially in emergencies, it is often necessary to locate a person on short notice. Therefore, the regulations in this section are based on both considerateness and efficiency.

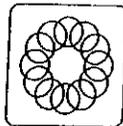
### **General**

1. All employees newly assigned to a facility should report to the manager's office for indoctrination.
2. Going on and off duty should be recorded in person, in the method followed by the work unit. Time recording must never be made for another employee.
3. No employee may willfully absent himself from his assignment without the approval of his supervisor. Except in emergency, employees must give adequate notice when requesting excused time, compensatory time or unscheduled vacation.
4. Changes in name, home address, or telephone number, as well as changes which affect benefits coverage (i.e., marital status, addition of dependent, etc.) should be reported to the Personnel Department in accordance with procedures available from the employee's unit supervisor.

### **Vacation and Illness Absences**

1. It is important that employees leaving for vacation inform their immediate supervisor how and where they may be reached.
2. Absence because of illness or other justifiable reason should be reported to the immediate supervisor (or, for police, the Desk Officer) as early as possible but not later than:
  - a) Police—*at least two hours before* the start of their scheduled tour.
  - b) Shift workers—*at least one hour before* their scheduled starting time.
  - c) Other field employees—*at least 1/2 hour before* scheduled starting time.
  - d) All other employees—*no more than 1/2 hour after* scheduled starting time.

Notification should be made by the employee if possible, or by another adult or responsible person. In all cases the following information should be given: employee's name, job title, reason for absence (including symptoms of illness); where employee may be reached. (See PAI 20-3.04.)
3. For absences continuing for more than one day, employees should continue to report in whatever manner their supervisor indicates.
4. Employees on sick leave, receiving pay, need the approval of the Medical Director or their supervisor before leaving their place of residence, except to visit a physician or a Port Authority clinic.
5. When the Medical Director considers it necessary, employees on sick leave must allow the Office of Medical Services to make whatever examinations are deemed advisable.
6. An employee who becomes ill on duty or has been absent due to *injury* received on duty must obtain approval from a Port Authority physician before returning to work.



## 7. Safety And Sanitary Conditions

The importance of safe working conditions can never be overstressed. Most hazards can be eliminated through careful thought and the observance of basic safety rules.

### General

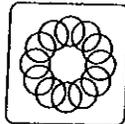
1. Employees are expected to inform the general public of the safety rules when it is necessary. Personnel assigned to guide visitors are responsible for the visitors' awareness of all safety rules of that location.
2. Any unsafe condition should be reported immediately to the supervisor or other responsible person, and every effort should be made to correct it on the spot or minimize the hazard by posting or circulating a warning notice until a qualified repairman is assigned to the job.
3. All possible precautions should be taken to prevent loss of life, personal injury, fires and other damage to or on Port Authority property. If an accident occurs, full particulars should be reported promptly to the supervisor and recorded and reported in the correct manner, as stated in PAI 55-3.01. If injury occurs to a Port Authority employee, he must prepare a report of the injury on Form PA 360, and send it to his supervisor, in accordance with PAI 55-3.01.
4. Employees must participate in fire, civil defense and other drills as may be prescribed by the Port Authority.
5. Employees should be familiar with the locations of fire alarm boxes, other devices of emergency notification, and with the locations of all portable fire extinguishers and hose lines in their usual work area. They should know the established local facility procedures for emergency notification of their supervisor and/or the manager.
6. Oil wastes, wastepaper, and other waste combustible materials must be kept in approved receptacles during the tour and removed at the prescribed regular intervals.
7. At the end of every tour, all debris must be removed from the work site. Hazardous objects or conditions must either be removed or remedied before leaving the job, or else adequate safeguards—labeling, etc.—must be provided.
8. Radiators and steam pipes, window ledges, locker tops, etc. must be kept clear and no materials stored upon them.

### **Smoking**

1. Smoking is permitted on Port Authority property, except in locations officially designated as non-smoking areas. Some of the major non-smoking areas at the facilities are: decks and cargo holds of ships, barges, tugs, or any other vessels loading or unloading grain; mechanical equipment rooms, storerooms, waste rooms, and battery storage rooms; docks, vessels, transit sheds, and warehouses; airport hangars, fuel stations, aircraft ramps, areas within 50 feet of a gasoline truck or of a plane taking on fuel, and all areas with "No Smoking" signs.
2. The carrying of matches, lighters or other smoking material into restricted areas, by employees or by others, elsewhere than in the locker rooms or other officially designated areas, is prohibited.

### **Sanitation**

1. To provide for the safety of property and the health of employees, a high standard of cleanliness and general housekeeping must be maintained.
2. Garbage, papers, refuse and all other waste materials must be placed in receptacles provided for that purpose.



## **8. Port Authority Property And Its Use**

The obligation to respect other people's private property is a basic law of democratic society. Respect for public property is equally essential, since public property belongs to all the people in a community.

### **General**

1. Employees entrusted with Port Authority property are responsible for its proper care, economical use and serviceability. Defective or inadequate equipment should be reported to the responsible supervisor.

2. Cooperation in the care and maintenance of Port Authority buildings, grounds, uniforms and equipment is essential. These should be kept in good order and sanitary condition by those assigned to their use and control.
3. Port Authority facilities, equipment, electricity, heat, telephones, water and other services should be used with regard for economy and efficiency. All lights and all power for machinery not in use should be shut off, including noon hour or other times when no work is being done.
4. Port Authority tools, materials and equipment may not be removed from the property without authorization.
5. No Port Authority property may be sold or otherwise conveyed to any Port Authority employee or member of the employee's immediate family, even after its retirement. Employees must not knowingly purchase or in any way obtain such retired property, even after it has been sold. (See PAI 25-3.06, Disposition of Office and Operating Equipment.)
6. Abandoned or lost property should be safeguarded by the finder and placed in the custody of the Lost Property Custodian (See PAI 15-5.02). Loss of Port Authority property, and information about lost or found property, should be reported promptly.

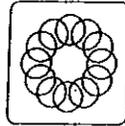
#### **Damage Reporting and Repairs**

1. Any irregularities, hazards or defects in Port Authority property should be brought promptly to the attention of your supervisor or the one with authority to correct them. For defective electrical, office or mechanical equipment, the appropriate maintenance work order form must be prepared by the supervisor.
2. Employees must not change, tamper with, repair or operate any piece of equipment, stationary or movable, not assigned to their care, maintenance or operation. When work is needed on such equipment, employees should report the need to their supervisor, who will inform the responsible person.

#### **Motor Vehicles**

1. Only properly licensed and qualified employees may operate Port Authority motor vehicles, and then only as assigned and directed by the proper authority.

2. Operators of Port Authority motor vehicles must obey the rules of the road, traffic laws and speed limit notices, both on and off Port Authority property, as well as the orders and signals of Port Authority watchmen and Police Officers.
3. Employees operating motor vehicles are responsible for their safe and economical use, and for the proper recordings on Form PA 70, as stated in PAI 15-3.04. Carrying unauthorized persons is always prohibited.
4. While on Port Authority property, motor vehicles that are not in use should be placed in the designated parking area or garage. If it is necessary at any time or place to leave a Port Authority vehicle unattended, it must be locked.



## **9. Financial And Legal Matters**

If they are not managed with honesty and good judgment, money matters can often lead to great difficulties. The following rules relate to financial and legal matters which might arise in connection with your Port Authority position. It is also important that personal affairs be so conducted that the Port Authority does not become involved in the private financial or legal problems of its employees. If difficulty does arise, you may consult your supervisor or client representative in the Personnel Department.

### **In Relation to The Port Authority**

1. Employees should not make purchases nor incur a debt or liability chargeable against the Port Authority, nor should they sell, give away, destroy or otherwise dispose of the Port Authority's property, without authorization.
2. Employees may not discuss, negotiate for, collect or accept monies for any existing or potential claims for damage done to or on Port Authority property or for injuries to persons on Port Authority property without the approval of the Law Department.

3. All employees must cooperate in authorized investigations of any act, omission or occurrence in or upon Port Authority property (including but not limited to misconduct, accidents, crime and the like), provided, however, that this rule shall not require any employee to give evidence against himself in connection with the investigation of an alleged act of misconduct on his part.

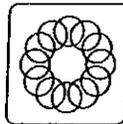
4. An employee may not receive on behalf of the Port Authority any subpoena, summons, court order or other form of court process except as authorized by the Law Department.

5. Employees may not settle any action against a third person which arises from an alleged injury for which the employee is receiving, or is eligible to receive, benefits under the Worker's Compensation Law of the State of New York or the State of New Jersey without having notified his facility manager or department head and the Worker's Compensation agent in writing.

6. An employee who files a criminal complaint in connection with his employment with the Port Authority may not withdraw that complaint except: (a) by authorization of his department head with the concurrence of the Law Department, or (b) as instructed by a representative of the Law Department during the course of proceedings resulting from the complaint.

**Personal**

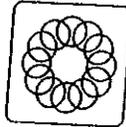
Employees should not incur debts that they are unwilling or unable to pay. In the event of assignments, attachments and/or garnishments of wages, they are subject to the provisions of PAI 20-2.08.



## 10. Disciplinary Action

It is sensible and simple to avoid situations and behavior which make disciplinary action necessary. Discipline is embarrassing and unpleasant for parties concerned, but in a large organization the importance of fair and efficient enforcement of the rules makes provision for discipline necessary if the many departments are to function properly.

1. Violation of any of the rules in these General Rules and Regulations, or other rules promulgated by the Port Authority, can cause employees to be subject to varying degrees of discipline, depending on the circumstances in each case.
2. Disciplinary action may also be taken against employees for repeated violations of orders and rules, for repeated neglect or failure to perform their duties, or for other repeated conduct warranting discipline, *even though action has previously been taken separately on some or all of the series of actions upon which a charge is based.* Such repetition of misconduct is in itself chargeable as a separate offense.
3. An employee under suspension should report to his supervisor in accordance with the supervisor's directions.



### Conclusion

The rules in this booklet will remain in effect until changing conditions require their revision. However, no such revisions will be made without consideration of the mutual advantages, benefits and responsibilities of the Port Authority and its employees.

*Note: Although issued in revised format, information contained in this booklet constitutes a reprint of the June, 1975 edition and updates the August, 1979 edition. This booklet is not intended to be exhaustive with respect to all the responsibilities of employees, and it does not constitute a contract.*



**PORT AUTHORITY POLICE BENEVOLENT ASSOCIATION, INC.**

611 Palisade Avenue, Englewood Cliffs, N.J. 07632-1805

Telephones: 201-871-2100 or 212-947-3754

Facsimile: 201-871-2343 [www.papba.org](http://www.papba.org)



PAUL NUNZIATO PRESIDENT

April 1, 2010

Ralph Rojas, Jr.  
Assistant Professor of Justice Studies  
107A Robert Frost Hall  
Southern New Hampshire University  
Manchester, NH 03106

Dear Mr. Rojas:

This letter is to inform you that I have read and reviewed your request to run a quantitative and qualitative survey on the topic of the Port Authority Police drug abuse testing policy amongst the members of the Port Authority PBA.

I have no objections of conducting these surveys as long as these conditions are met. (1) Participation is voluntary; (2) confidentiality is assured; (3) it does not become labor intensive for Public Safety;

Sincerely,

A handwritten signature in black ink that reads "Paul Nunziato". The signature is written in a cursive style with a large initial 'P'.

Paul Nunziato  
President

UNION OF PROFESSIONAL POLICE OFFICERS

Affiliated: Police Conference of New York, Inc., New York State Association of PBA's, Inc., National Association of Police Organizations, Inc., New Jersey State Policemen's Benevolent Association, Inc., New York State Public Employee Conference, Inc.



Office of  
Sponsored  
Research

May 21, 2010

Mr. Ralph Rojas  
Southern New Hampshire University  
2500 North River Road  
Manchester, NH 03106-1045

Dear Mr. Rojas,

This letter serves as official confirmation of our earlier communication regarding the Institutional Review Board's review and approval of your protocol for a study entitled "A Normative Analysis of Police Drug Abuse Testing Policy: Police Perceptions and the Implementation of Policy Reform Strategies", submitted for review on March 18, 2010 and revised on April 10, 2010.

In your proposal, you indicated that you will collect data from police officers using a questionnaire survey and from police administrators using narrative interviews to examine police drug abuse testing policy. You also indicated that reasonable precautions will be taken to protect participant anonymity.

The Institutional Review Board considered your request and concluded that your protocol poses no more than minimal risk to participants. In addition, research involving the use of widely acceptable survey procedures where the results are kept confidential and the questions pose minimal discomfort to participants is exempt from IRB full-committee review per 45 CFR 46.101 (b) (2). As a result, the Institutional Review Board approved your proposal.

If you have any questions, please do not hesitate to contact me directly by phone or via email.

As authorized by Thomas Mitchell, Ph.D.  
Chair, Institutional Review Board

Margarita M. Cardona, MS, CRA  
Director of Sponsored Research  
Secretary, Institutional Review Board

University of Baltimore  
1420 N. Charles St., AC 245  
Baltimore, MD 21201-5779

T: 410.837.6191/6199  
F: 410.837.5249  
www.ubalt.edu/grants

**UNIVERSITY OF BALTIMORE**  
**Application for Approval of Research Involving Human Subjects**

This form is to be completed by the investigator who will submit it to the Institutional Review Board (IRB) for review and approval. Answer all the questions completely and spell out any acronyms. Include a copy of any applicable survey instruments with your application. When the IRB has approved the application, the investigator will be notified in writing. **Any changes to an approved protocol will have to be re-submitted for review and approval.**

	Researcher 1		Researcher 2	
Name	Rafael Rojas, Jr.			
Department	School of Public Affairs - Student			
Phone #	973-479-6885			
Email	r.rojas@snhu.edu			
Status Faculty/ Staff/Student	DPA Candidate			
If student, faculty sponsor	Dr. Lenneal J. Henderson			
<b>Project Title</b>	A Normative Analysis of Police Drug Abuse Testing Policy: Police Perceptions and Policy Reform Strategies			
Agency Sponsor (if applicable)				
Grant number (if applicable)				
Project Duration	Estimated Start Date		Estimated End Date	
Submission Date	April 9, 2010			
<b>Exempt Status</b> Do you believe your proposal is exempt from IRB Review?	In order to be exempt, you must answer the questions and satisfy the criteria in Parts A and B below. (Please answer after you complete checklists A & B.)			
	X	Yes		No
<b>Expedited Review:</b> Are you applying for expedited review?	Expedited review is possible only in one of two circumstances: 1. There is minimal risk to the participants <u>and</u> the researcher is not requesting the IRB to waive the normally required informed consent procedures. or 2. The IRB review is to evaluate minor changes in previously approved research.			
	X	Yes		No

*It is possible that your research is exempt from IRB review. Please complete Parts A and B below, regardless of whether you believe your research is exempt.*

Part A – Please check Yes or No for each item, To be considered exempt, all answers must be No.		
Yes	No	Item
	X	1 Does the research involve as subjects prisoners, fetuses, pregnant women, the seriously ill, or mentally or cognitively compromised adults.
	X	2 Does the research involve the collection or recording of behavior which, if known outside the research, could reasonably place subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation.
	X	3 Does the research involve the collection of information regarding sensitive aspects of subjects' behavior (e.g., drug or alcohol use, illegal conduct, sexual behavior)?
	X	4 Does the research involve subjects under the age of 18 (except as they are participating in projects that fall under categories 1, 3, 4, and/or 5 in Part B)? Category B 2 studies that include minors should be submitted for expedited review.
	X	5 Does the research involve deception?
	X	6 Do the research procedures generate any evident or foreseeable risk to the subjects?
	X	7 Is the researcher requesting that the IRB grant a waiver of the required informed consent procedures? (Note: informed consent procedures are not required when the research involves only observation of public behavior and in those cases a request for a waiver is unnecessary.)

Part B – Please mark Yes or No for each item below, regardless of whether you believe your research is exempt. To be considered exempt, at least one must be marked yes.		
Yes	No	Item
	X	1 Will the research be conducted in established or commonly accepted educational settings and involve normal educational practices (e.g., research on regular and special education instructional strategies, research on instructional techniques, curricula, or classroom management methods).
X		2 Will the research involve the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, <u>where information is recorded anonymously</u> (i.e., so that the human subject cannot be identified, directly or indirectly through identifiers linked to the subject)? [Note - All survey/interview/observational research in which elected or appointed public officials or candidates for public office serve as subjects is exempt, whether or not data collection is anonymous.]
X		3 If the research involves the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens then are these sources either a.) publicly available <u>or</u> b.) is the information being collected and recorded anonymously (i.e., in such a manner that subjects cannot be identified, directly or through identifiers linked to the subject)?
	X	4 Is the research (including demonstration projects) being conducted by or subject to the approval of federal department or agency heads <u>and</u> is it designed to study, evaluate, or otherwise examine one or more of the following: (i) public benefit or service programs (e.g., social security, welfare, etc.); (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to

		those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs?
	X	5 Does the research involve taste or food quality evaluations or consumer acceptance studies and are the tested products wholesome foods without additives, or foods which contain additives at or below levels found to be safe by the EPA of the Food Safety and Inspection Service of the U.S. Department of Agriculture?

**Is Your Research Exempt?**

If your answers to Part A above are all No and at least one of your answers in Part B is yes, please answer YES to the exempt status question on the cover page of this application before continuing on.

Even if you believe you satisfy the criteria for exemption, the Institutional Review Board needs to review your proposal to confirm that.

Therefore, whether or not you have indicated that you are seeking exempt status, please CONTINUE ON to answer the questions in Part C.

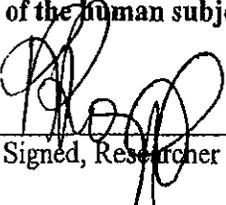
<p><b>Part C: About the Proposed Research -- please answer all the questions in this section. Please be clear and concise, but provide enough detail so the Board can make an informed determination.</b></p>	
1. Describe the purpose of the proposed research and your research protocol. Avoid using acronyms or technical jargon, unless they are defined. Attach additional pages when necessary.	See attached.
2. Describe the human subject population (size, age, gender, and racial distribution) and how participants will be selected for inclusion in the research. If you are limiting your study to certain specific groups, please justify why. What is your relationship to the subject population (fellow student, co-worker, supervisor, government agent, law enforcement)?	See attached.
3. Describe the type of data you will be collecting and how it will be collected, e.g., survey, interview, focus group, record review, etc. (Attach a copy of the questionnaire, interview guide, or other collection instruments.)	See attached.
4. Does the research involve potential discomfiture or harassment to human subjects beyond levels encountered in daily life? Describe the potential discomfiture to the human subjects as the research is carried out.	No.

<p><b>5. Describe the potential benefits of the research.</b> See attached.</p>		
<p><b>6. Describe here the informed consent procedures and attach the informed consent statement:</b>  See attached.</p>		
<p><b>7. Please answer the following:</b></p>		
<b>Yes</b>	<b>No</b>	
	<input checked="" type="checkbox"/>	a. Does the research involve protected subjects including prisoners, pregnant women, minors?
	<input checked="" type="checkbox"/>	b. Does the research involve UB Students as subjects/participants?
	<input checked="" type="checkbox"/>	c. Does the research involve UB Faculty or Staff as subjects/participants?
	<input checked="" type="checkbox"/>	d. Does the research involve deception?
<p><b>8. Might the <i>disclosure</i> of the subjects' responses reasonably be expected to cause the subjects to feel embarrassed or that their privacy has been violated? Might disclosure place the subjects at risk of criminal or civil liability or potentially damage the subjects' financial standing, employability, or reputation?</b> No.</p> <p>If so, describe the procedures in place for protecting, privacy and prevent breach of confidentiality as well as the rights of the human subjects generally.</p>		
<p><b>9. What are the potential risks if an individual is identified with <i>participating</i> in the study? Explain how you are mitigating that risk.</b></p> <p>There is minimum risk of any police officer being identified. All police officers will be contacted by the researcher through a posted flier approved by the Port Authority of New York and New Jersey and the Port Authority Police Benevolent Association (police union) to voluntarily participate in the study. The flier (attached) will direct them to the website associated with the study, <a href="http://snhu.qualtrics.com//SE?SID=SV_9Re6Q95QPYwzxh2&amp;SVID=Prod">http://snhu.qualtrics.com//SE?SID=SV_9Re6Q95QPYwzxh2&amp;SVID=Prod</a> and the password, PAPD. The flier will be posted at each Port Authority Police Command (13 Commands in New York and New Jersey) encouraging police officers to voluntarily complete the questionnaire survey (attached). At the website, an informed consent form will appear at the top of the questionnaire and will be acknowledged by police officers by a yes or no answer as to whether they have read, understood, and consented to the survey before answering the survey instrument. Police administrators charged with the execution of the drug abuse testing policy will be contacted by the researcher and interviewed in person by the use of open-ended and closed-ended questions (attached) in their offices. An informed consent form will be signed by these administrators before the interviews begin. Police administrators will have an opportunity to review the notes taken, if they wish. The interviews will not be taped.</p>		
<p><b>10. Describe how and where the data (original documents and electronic databases) will be stored and protected.</b></p> <p>All data (paper documents (written notes) and electronic information) will be stored and protected for one year by the researcher and, within one year from the completion of the study, they will be destroyed and/or deleted. These data will be stored in a locked file cabinet in a locked room accessible only by the researcher.</p>		

**11. Describe who will have access to the data.**  
**The researcher will be the only person with direct access to the data. The data will be presented in summary form as part of the study to the researcher's doctoral committee. They will be admonished by the Chair of the committee to treat the report of the data and data analysis in a proprietary manner.**

**Note: Any future additions or changes in procedures involving human subjects after the proposal has been approved must be brought to the attention of the Committee.**

**I agree to provide proper surveillance of this project to ensure that the rights and welfare of the human subjects are properly protected.**

	4/2/10		
Signed, Researcher 1	(Date)	Signed Researcher 2	(Date)
<hr/>			
<u>Lenneal J. Henderson</u>	April 4, 2010		
Signed, Faculty Advisor (If Applicable)	(Date)		

**We are familiar with and approve of the procedures involving human subjects associated with this project.**

\_\_\_\_\_  
Signed, IRB Committee Chair (Date)

\_\_\_\_\_  
Signed, Dean (Date)

Part C

1. Describe the purpose of the proposed research and your research protocol. Avoid using acronyms or technical jargon, unless they are defined. Attach additional pages when necessary.
  - a. Research objectives are to examine what explains the perceptions of police officers of the mandated drug abuse testing policy and to generate a policy reform strategy for future development or modification of drug abuse policies.
  - b. To examine participants' perceptions and to generate an experiential theoretical perspective through the use of a mixed methods analysis of these perceptions.
  - c. To address the deficiency of this theoretical perspective about the phenomenon of police perceptions so that a better model of effective drug testing policy may result.
  - d. To determine whether this shared phenomenon is due to the lack of understanding the nature for a police drug abuse testing policy or to other explanations.
  - e. To pursue a fair drug abuse testing policy that will lead to high morale, informed, and confident police officers with an organizational sense of belonging to the Port Authority Police.
  
2. Describe the human subject population (size, age, gender, and racial distribution) and how participants will be selected for inclusion in the research. If you are limiting your study to certain specific groups, please justify why. What is your relationship to the subject population (fellow students, co-workers, supervisors, government agents, law enforcement)?
  - a. The human subject population will include the Port Authority Police of New York and New Jersey. This population will vary in age, gender, education, employment longevity, and racial distribution.
  - b. The researcher is limiting the study to this population because of his previous relationship with this population, that of former co-worker. The researcher is presently retired from the Port Authority Police after twenty-years of police service and is familiar with the police department and the drug abuse testing policy.
  - c. The researcher's relationship to this population is that of former co-worker and not in any supervisory capacity.
  
3. Describe the type of data you will be collecting and how it will be collected, e.g., survey, interview, focus group, record review, etc. (Attached a copy of the questionnaire, interview guide, or other collection instrument).
  - a. There will be two types of data collected; a questionnaire survey instrument for police officers (attached) and a narrative interview of a police administrator (questions attached).
  - b. The questionnaire survey will address questions related to the central research questions to obtain responses about the perceptions of police officers of the mandated drug abuse policy and to generate a policy reform strategy for future development or modification of drug abuse policies.
  - c. The interviews will address questions related to the administrative history, functional, operational irregularities, knowledge of perceptions by police officers, and unusual circumstances since the drug abuse testing policy's inception.

5. Describe the potential benefits of the research.
  - a. The potential benefit of this research include a theoretical, methodological, and policy and administrative significances.
  - b. Theoretical Significance: Insights from application of policy implementation theory to law enforcement is an anticipated outcome of the study.
  - c. Methodological Significance: The experience of using mixed methods, including case studies, archives, and quantitative methods to advance law enforcement research, are likely to yield significant insights into the utility of this methodological strategy in police studies.
  - d. Policy and Administrative Significance: Use of study results in the implementation of drug testing policy in law enforcement will hopefully guide improvements in drug enforcement policy implementation.
  
6. Describe here the informed consent procedures and attach the informed consent statement.

Two informed consent procedure documents are attached. All police officers will be contacted by the researcher through a posted flier approved by the Port Authority of New York and New Jersey and the Port Authority Police Benevolent Association (police union) to voluntarily participate in the study. The flier (attached) will direct them to the website associated with the study, [http://snhu.qualtrics.com//SE?SID=SV\\_9Re6O95OPywgxh2&SVID=Prod](http://snhu.qualtrics.com//SE?SID=SV_9Re6O95OPywgxh2&SVID=Prod) and the password, PAPD. The flier will be posted at each Port Authority Police Command (13 Commands in New York and New Jersey) encouraging police officers to voluntarily complete the questionnaire survey (attached). At the website, an informed consent form will appear at the top of the questionnaire and will be acknowledged by police officers by a yes or no answer as to whether they have read, understood, and consented to the survey before answering the survey instrument. The police administrators charged with the execution of the drug abuse testing policy will be contacted by the researcher and interviewed in person by the use of open-ended and closed-ended questions (attached) in his office. An informed consent form will be signed by the administrator before the interview begins. The police administrator will have an opportunity to review the notes taken, if he wishes. These notes will be taken by the researcher on a notepad. The interview will not be taped.

## **INFORMED CONSENT FOR POLICE OFFICERS SURVEY INSTRUMENT PARTICIPATION**

**Whom to Contact:**

Rafael Rojas, Jr.  
973-479-6885 (Cell)

The research question guiding this study is: - What are the perceptions of police officers of the fairness of a mandated drug abuse testing policy in the Port Authority of New York and New Jersey and, to what extent do these policies contribute to a sense of belonging in the police organization when there is an apparent lack of personal participation in the design and implementation of a drug abuse testing policy?

**I. INTRODUCTION/PURPOSE:**

I am being asked to participate in a research study. The purpose of this study is to examine what explains the perceptions of police officers of the drug abuse testing policy and to generate recommendations policy reform strategies for future development or modification of drug abuse policies. I am being asked to volunteer because the mandated drug abuse testing policy affects me. My involvement in this study will begin when I agree to participate and will continue until April 30, 2010. Ultimately, nearly 1400 police officers will be invited to participate.

**II. PROCEDURES:**

As a participant in this study, I will be asked to go to the website, [http://snhu.qualtrics.com//SE?SID=SV\\_9Re6Q95QPvwgXh2&SVID=Prod](http://snhu.qualtrics.com//SE?SID=SV_9Re6Q95QPvwgXh2&SVID=Prod) and type the password, PAPD, to complete a questionnaire. My participation in this study will last approximately 5 minutes. No personal identifying information will be written with responses to the questions.

**III. RISKS AND BENEFITS:**

My participation in this study does not involve any significant risks and I have been informed that my participation in this research will not benefit me personally, but benefit the police community and future researchers.

**IV. CONFIDENTIALITY:**

Any information learned and collected from this study that may identify me will remain confidential and will be disclosed ONLY if I grant permission. All information collected in this study will be stored in a locked file cabinet in a locked room. Only the investigator will have access to these records. If information learned from this study is published, I will not be identified by name. By signing this form, however, I allow the research study investigator to make my records available to the University of Baltimore (UB) Institutional Review Board (IRB) and regulatory agencies as required to do so by law.

Consenting to participate in this research also indicates my agreement that all information collected from me individually may be used by current and future researchers in such a fashion that my personal identity will be protected. Such use will include sharing anonymous information with other researchers for checking the accuracy of study findings and for future approved research that has the potential for improving human knowledge.

**V. COMPENSATION/COSTS:**

My participation in this study will involve no cost to me and I expect no compensation for participating in the study.

**VI. CONTACTS AND QUESTIONS:**

The principal investigator, Rafael Rojas, Jr. has offered to and has answered any and all questions regarding my participation in this research study. If I have any further questions, I can contact Rafael Rojas, Jr. at 973-479-6885 or e-mail: [r.rojas@snhu.edu](mailto:r.rojas@snhu.edu).

**VII. VOLUNTARY PARTICIPATION**

I have been informed that my participation in this research study is voluntary. I may skip any questions that I do not want to answer. Choosing not to participate will not affect my current or future relationship with the Port Authority of New York and New Jersey. If I decide to take part, I am free to withdraw at any time. If I withdraw no more information will be collected from me.

The above-named investigator has answered my questions and I agree to be a research participant in this study.

**ACKNOWLEDGMENT:**

Have you read, clearly understood, and consent to participate in this study?

Yes

No

**FLIER POSTED AT ALL PORT AUTHORITY POLICE COMMANDS**

**POLICE VOLUNTEERS NEEDED TO COMPLETE  
5-MINUTE QUESTIONNAIRE**

My name is Rafael Rojas, Jr., and I retired from the Port Authority Police in 2000 after twenty-years of service. For the past several years, I have been attending the University of Baltimore and as part of the requirements for graduation I need to conduct a quantitative survey on law enforcement's perception of the Department's policy on drug abuse testing. The survey will be based on data collected from an online questionnaire, which only takes 5-minutes to complete. The questions in the questionnaire only address what perceptions exist by the drug abuse testing policy and not on any type of personal identification of anyone in the past, present, or future use of illegal drugs.

Due to my experience, I have elected to study the perceptions of the Port Authority Police Department. The Port Authority of New York and New Jersey as well as the Port Authority Police Benevolent Association have approved the survey, provided that: (1) participation is voluntary; (2) confidentiality is ensured; and (3) that the questionnaire is completed off duty and/or on the Officer's own time.

I believe that the results of this questionnaire will assist police officers in understanding the drug abuse testing policy better and police administrators, in modifying or implementing a new drug abuse testing policy in the future. I have taken the steps necessary to safeguard and protect the data, which will be destroyed within one year from the completion of the study when it will be destroyed and/or deleted. The data will be stored in a locked file cabinet in a locked room accessible only by the researcher. Please also note that you may skip any questions that you do not want to answer. Choosing not to participate in the survey will not affect your current or future relationship with the Port Authority of New York and New Jersey. If you decide to take part, you are free to withdraw at any time. If you withdraw no more information will be collected.

I truly value your time and response in this questionnaire, which I think you will agree that this topic needs to be examined and more researched. Please, go to [http://snhu.qualtrics.com//SE?SID=SV\\_9Re6Q95OPvwgXh2&SVID=Prod](http://snhu.qualtrics.com//SE?SID=SV_9Re6Q95OPvwgXh2&SVID=Prod) with the password PAPD and answer the questionnaire survey as soon as is practical.

In advance, I greatly appreciate your time and attention to this matter.

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Rafael Rojas, Jr.  
Port Authority Police Officer Retired (2000)

**Police Officer Survey Instrument**

Demographics:

What is your age?

21-25 years old

26-30 years old

31-40 years old

41- 50 years old

51-60 years old

61+ years old

What is your highest level of education?

High School Graduate

Currently in College toward Associate Degree

Completed Associate Degree

Currently in College toward Bachelor's Degree

Completed Bachelor's Degree

Currently in Master's Program

Completed Master's Degree

Law Degree

Medical Degree

Doctorate Degree

Other Degree

Gender:

Male

Female

How long have you been a Port Authority Police Officer?

Less than one year

1-5 years

6-10 years

11-20 years

21+ years

What is your ethnicity?

African-American

Asian

Caucasian

Hispanic

Native American

Other \_\_\_\_\_

Are you a member of the Port Authority PBA?

Yes

No

Are you aware the Port Authority Police has a drug abuse policy for police officers?

Yes

No

Instructions: Please, tell me whether you agree or disagree with the following statements:

1. Do you believe the Port Authority Police drug abuse testing policy is fair in potentially reducing drug abuse?
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
2. I believe that it is important for police officers to have personal input during the implementation of a drug abuse testing policy.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
3. I believe a lack of personal input during the implementation of a drug abuse testing policy alienates police officers causing a reduction in job performance.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
4. I believe that it is important to have an organizational sense of belonging to the police organization.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
5. I believe a lack of an organizational sense of belonging to the police organization alienates police officers causing a reduction in job performance.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree

6. I believe that it is important to have a clear drug abuse testing policy implemented for all police officers.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
7. I believe that it is important to have a fully understood drug testing policy implemented for all police officers.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
8. I believe that it is important to have a well disseminated drug testing policy implemented for all police officers.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
9. Do you believe that it is important to be familiar with a personal and job related “crystallized” or firmed awareness of the police drug abuse testing policy, so that it does not lead to perceptions?
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
10. I believe a drug abuse testing policy should be related to the sensitive nature of the police organization.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree

11. Do you believe that a drug abuse testing policy should adequately address the issue of former drug abusers who then become police officers?
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
12. I believe that it is important to maintain a strong confidentiality procedure in police drug abuse testing.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
13. Do you believe that police urinalysis drug abuse testing has limitations, as it only indicates exposure to drugs and not performance impairment?
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
14. I believe that there should be an alternative method such as performance skill tests instead of urinalysis drug testing that recognizes performance impairment.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
15. What strategies should be used to safeguard police drug abuse testing accuracy results?  
(Check all that apply)
  - Increase the level of trust of police officers by the police organization
  - Depend on the Privacy Act
  - Rely on Police Directives addressing police confidentiality
  - Utilize random certified laboratories
  - Other \_\_\_\_\_

- 16. I believe that it is important for the police organization to have drug abuse education programs to educate all police officers on the consequences of abusing drugs.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree
  
- 17. I believe that it is important for the police organization to have drug treatment programs to rehabilitate all police officers testing positive for drug abuse.
  - a. Strongly agree
  - b. Agree
  - c. No opinion
  - d. Disagree
  - e. Strongly disagree

Instructions: Please, answer the following questions.

- 18. Have you had conversations with other police officers about the drug abuse testing policy?
  - a. Yes
  - b. No
  
- 19. Should drug abuse be treated as an illness?
  - a. Yes
  - b. No

20. Do you have any suggestions to improve the drug abuse testing policy?

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Instructions: Please, provide additional comments.

21. This questionnaire survey instrument has been made as comprehensive as possible but you may feel there are questions or observations missed. Please, provide any additional comments you believe are appropriate.

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## **INFORMED CONSENT FOR THE POLICE ADMINISTRATOR'S INTERVIEW PARTICIPATION**

**Whom to Contact:**

Rafael Rojas, Jr.  
973-479-6885 (Cell)

The research question guiding this study is: - What are the perceptions of police officers of the fairness of a mandated drug abuse testing policy in the Port Authority of New York and New Jersey and, to what extent do these policies contribute to a sense of belonging in the police organization when there is an apparent lack of personal participation in the design and implementation of a drug abuse testing policy?

**I. INTRODUCTION/PURPOSE:**

I am being asked to participate in a research study. The purpose of this study is to examine what explains the perceptions of police officers of the drug abuse testing policy and to generate recommendations policy reform strategies for future development or modification of drug abuse policies. I am being asked to volunteer because I am the administrator in charge of executing the drug abuse testing policy for the Port Authority Police. My involvement in this study will begin when I agree to participate and will continue until April 30, 2010.

**II. PROCEDURES:**

As a participant in this study, I will be asked to answer a number of questions (attached). My participation in this study will last for approximately 20 minutes. No personal identifying information will be written with responses to the questions.

**III. RISKS AND BENEFITS:**

My participation in this study does not involve any significant risks and I have been informed that my participation in this research will not benefit me personally, but benefit the police community and future researchers.

**IV. CONFIDENTIALITY:**

Any information learned and collected from this study in which I might be identified will remain confidential and will be disclosed ONLY if I give permission. All information collected in this study will be stored in a locked file cabinet in a locked room. Only the investigator will have access to these records. If information learned from this study is published, I will not be identified by name. By signing this form, however, I allow the research study investigator to make my records available to the University of Baltimore (UB) Institutional Review Board (IRB) and regulatory agencies as required to do so by law.

Consenting to participate in this research also indicates my agreement that all information collected from me individually may be used by current and future researchers in such a fashion that my personal identity will be protected. Such use

will include sharing anonymous information with other researchers for checking the accuracy of study findings and for future approved research that has the potential for improving human knowledge.

**V. COMPENSATION/COSTS:**

My participation in this study will involve no cost to me and I am receiving no compensation for participating in the study.

**VI. CONTACTS AND QUESTIONS:**

The principal investigator, Rafael Rojas, Jr. has offered to and has answered any and all questions regarding my participation in this research study. If I have any further questions, I can Contact Rafael Rojas, Jr. at 973-479-6885 or e-mail: [r.rojas@snhu.edu](mailto:r.rojas@snhu.edu).

**VII. VOLUNTARY PARTICIPATION**

I have been informed that my participation in this research study is voluntary. I may skip any questions that I do not want to answer. Choosing not to participate will not affect my current or future relationship with the Port Authority of New York and New Jersey. If I decide to take part, I am free to withdraw at any time. If I withdraw no more information will be collected from me.

*I will be given a copy of this consent form to keep.*

**VIII. SIGNATURE FOR CONSENT**

The above-named investigator has answered my questions and I agree to be a research participant in this study.

Participant's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Investigator's Signature: Rafael Rojas, Jr. \_\_\_\_\_ Date: April 9, 2010

**ACKNOWLEDGMENT:**

Have you read, clearly understood, and consent to participate in this study?

\_\_\_ Yes

\_\_\_ No

**Police Administrator Interview**

**Structured Questions for the Police Administrator Responsible for Implementing the Drug Abuse Testing Policy**

1. What are your responsibilities and/or duties connected with the Port Authority Police drug abuse testing policy?
2. Can you describe the history of the inception of the drug abuse testing policy? What led to the Port Authority Police to have a drug abuse testing policy? Was it a mandate by state, federal, or Port Authority?
3. When was the drug abuse testing policy implemented? What type of policy or what existed before the implementation of the drug abuse testing policy?
4. What is the goal of the drug abuse testing policy?
5. Is the goal being met?
6. How many times has the drug abuse testing policy been modified since its inception?
7. How much input did the Port Authority Police Benevolent Association (PBA) had in the implementation of the drug abuse testing policy?
8. What are the administrative functions associated with the implementation of the drug abuse testing policy?
9. How does the drug abuse testing policy work?
10. How are candidates for drug abuse testing selected?
11. How many candidates for drug abuse testing are selected at a time?
12. Are there any police officers who have been chosen and not tested? Why not?
13. Have there been any refusals to drug abuse testing by police officers? If so, what actions were taken to address these refusals?
14. Have you experienced or are aware of perceptions from police officers taking the drug abuse test?
15. In numbers, approximately how many candidates have tested positive in testing since the inception of the drug abuse testing policy?
16. How is the drug abuse testing policy working?

Appendix K

17. Is the drug abuse testing policy being considered for future modifications?
18. Does the Port Authority Police have a drug abuse educational or a drug treatment programs?
19. Are you aware of any operational irregularities with the drug abuse testing policy?
20. Are you aware of any unusual circumstances since the inception of the drug abuse testing policy?
21. Can you identify any circumstances that lead to perceptions by the drug testing policy?

## INFORMED CONSENT FOR POLICE ADMINISTRATOR INTERVIEW PARTICIPATION

**Whom to Contact:**

Ralph Rojas, Jr.  
973-479-6885 (Cell)

The research question guiding this study is: - What are the perceptions of police officers of the fairness of a mandated drug abuse testing policy in the Port Authority of New York and New Jersey and, to what extent do these policies contribute to a sense of organizational sense of belonging in the police organization when there is an apparent lack of personal input in the implementation of a drug abuse testing policy?

**I. INTRODUCTION/PURPOSE:**

I am being asked to participate in a research study. The purpose of this study is to examine what explains the perceptions of police officers of the drug abuse testing policy and to generate recommendations policy reform strategies for future development or modification of drug abuse policies. I am being asked to volunteer because I am an administrator in charge of executing the drug abuse testing policy for the Port Authority Police. My involvement in this study will begin when I agree to participate and will continue until April 30, 2010. Only police administrators in charge of executing the drug abuse testing policy are invited to participate in the interviews.

**II. PROCEDURES:**

As a participant in this study, I will be asked to answer a number of questions (attached). My participation in this study will last for approximately 20 minutes. No personal identifying information will be written with responses to the questions.

**III. RISKS AND BENEFITS:**

My participation in this study does not involve any significant risks and I have been informed that my participation in this research will not benefit me personally, but benefit the police community and future researchers.

**IV. CONFIDENTIALITY:**

Any information learned and collected from this study in which I might be identified will remain confidential and will be disclosed ONLY if I give permission. All information collected in this study will be stored in a locked file cabinet in a locked room. Only the investigator will have access to these records. If information learned from this study is published, I will not be identified by name. By signing this form, however, I allow the research study investigator to make my records available to the University of Baltimore (UB) Institutional Review Board (IRB) and regulatory agencies as required to do so by law.

Consenting to participate in this research also indicates my agreement that all information collected from me individually may be used by current and future researchers in such a fashion that my personal identity will be protected. Such use will include sharing anonymous information with other researchers for checking the accuracy of study findings and for future approved research that has the potential for improving human knowledge.

**V. COMPENSATION/COSTS:**

My participation in this study will involve no cost to me and I am receiving no compensation for participating in the study.

**VI. CONTACTS AND QUESTIONS:**

The principal investigator, Ralph Rojas, Jr. has offered to and has answered any and all questions regarding my participation in this research study. If I have any further questions, I can Contact Ralph Rojas, Jr. at 973-479-6885 or e-mail: [r.rojas@snhu.edu](mailto:r.rojas@snhu.edu).

**VII. VOLUNTARY PARTICIPATION**

I have been informed that my participation in this research study is voluntary. I may skip any questions that I do not want to answer. Choosing not to participate will not affect my current or future relationship with the Port Authority of New York and New Jersey. If I decide to take part, I am free to withdraw at any time. If I withdraw no more information will be collected from me.

*I will be given a copy of this consent form to keep.*

**VIII. SIGNATURE FOR CONSENT**

The above-named investigator has answered my questions and I agree to be a research participant in this study.

Participant's Name: \_\_\_\_\_

Date: 4-15-10

Investigator's Signature: Ralph Rojas, Jr. \_\_\_\_\_

Date: March 24, 2010

**ACKNOWLEDGMENT:**

Have you read, clearly understood, and consent to participate in this study?

Yes

No

*RO*

**Rojas, Rafael**

---

**From:** Kirchman, Kevin [kkirchma@panynj.gov]  
**Sent:** Tuesday, April 13, 2010 10:37 AM  
**To:** Rojas, Rafael  
**Cc:** Russell, Toby  
**Subject:** [Spam ??, Use Caution] Request to solicit PAPD survey participation  
**Importance:** Low

Dear Mr. Rojas:

We concur with your request to solicit participation by members of the Port Authority Police Department in a survey on drug testing to further your academic efforts. These are the conditions we require:

\* Survey participation is completely voluntary

\* Participant confidentiality is assured

\* Port Authority efforts to administer the survey is kept to a minimum

We would also like the opportunity to review the survey instrument if possible. Please feel free to contact me if you have any questions.

Sincerely,

Kevin Kirchman  
Director, Marketing Department  
The Port Authority of New York and New Jersey  
225 Park Avenue South  
New York, NY 10003

212-435-6518  
[kkirchma@panynj.gov](mailto:kkirchma@panynj.gov)

NOTICE: THIS E-MAIL AND ANY ATTACHMENTS CONTAIN INFORMATION FROM THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND AFFILIATES. IF YOU BELIEVE YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY, PERMANENTLY DELETE THIS E-MAIL (ALONG WITH ANY ATTACHMENTS), AND DESTROY ANY PRINTOUTS.

[Spam ??, Use Caution] Re: Survey - Outlook Web Access Light

<https://webmail.snhu.edu/owa/?ae=Item&t=IPM.Note&id=RgAAA...>

Office Outlook Web Access    Type here to search    This Folder    Address Book    Options    Log Off

Mail    Reply    Reply to All    Forward    Move    Delete    Junk    Close

Deleted Items  
Drafts  
Inbox (1)  
Junk E-mail  
Sent Items

Click to view all folders  
Manage Folders...

**[Spam ??, Use Caution] Re: Survey**  
David Kramer [profdkramer@yahoo.com]

This message was sent with Low importance.

Sent: Tuesday, March 23, 2010 4:44 PM  
To: Rojas, Rafael

It took me five minutes to take the survey.  
Question #7: I find this question confusing. I cant be sure what it is asking and what it is trying to determine. What does perceptions mean? What is ia "personal and job related crystallized or firmned awareness? Perhaps your asking whether the officer believes the drug policy (if one exists) can be clearly understood.....

Hope this helps. I am calling you now.

David A Kramer  
Associate Professor  
Bergen Community College  
400 Paramus Road  
Paramus, New Jersey 07652  
Tel: 201-666-7644

--- On Sat, 3/20/10, Rojas, Rafael <R.Rojas@snhu.edu> wrote:

From: Rojas, Rafael <R.Rojas@snhu.edu>  
Subject: Survey  
To: "profdkramer@yahoo.com" <profdkramer@yahoo.com>  
Date: Saturday, March 20, 2010, 2:07 PM

Thanks,  
Ralph

Rafael Rojas, Jr., ABD  
Assistant Professor of Justice Studies  
NH Association of Criminal Justice Educators, President  
Northeastern Association of Criminal Justice Sciences, 1st VP  
107A Robert Frost Hall  
Southern New Hampshire University  
2500 North River Road  
Manchester, NH 03106  
603-629-4621 (Office)  
603-629-4627 (Fax)  
973-479-6885 (Cell)

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Office Outlook Web Access Type here to search This Folder Address Book Options Log Off

Mail Reply Reply to All Forward Move Delete Junk Close

Deleted Items  
Drafts  
Inbox (1)  
Junk E-mail  
Sent Items

Click to view all folders

Manage Folders...

**[Spam ??, Use Caution] Re: Survey**  
**Gilberto Medina Ayala [cafetero@me.com]**

This message was sent with Low Importance.

**Sent:** Tuesday, March 23, 2010 7:58 PM  
**To:** Rojas, Rafael

**Attachments:** [APPENDIX J Police Officer S...1.doc \(32 KB\)](#) (Open as Web Page); [ATT00001.txt \(66 B\)](#)

Ralf took me six minutes to complete, excellent & comprehensive.  
 On Mar 23, 2010, at 7:34 PM, Rojas, Rafael wrote:

> Hi Gil,  
 > It was great talking to you today. It seems as the last time we  
 > spoke was yesterday. Take the attached survey and let me know how  
 > long it took you to do and tell me what you think.  
 > Thanks,  
 > Ralph

>  
 > Rafael Rojas, Jr., ABD  
 > Assistant Professor of Justice Studies  
 > NH Association of Criminal Justice Educators, President  
 > Northeastern Association of Criminal Justice Sciences, 1st VP  
 > 107A Robert Frost Hall  
 > Southern New Hampshire University  
 > 2500 North River Road  
 > Manchester, NH 03106  
 > 603-629-4621 (Office)  
 > 603-629-4627 (Fax)  
 > 973-479-6885 (Cell)

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Connected to Microsoft Exchange

**Rojas, Rafael**

---

**From:** Rojas, Rafael  
**Sent:** Saturday, March 27, 2010 7:34 AM  
**To:** Rojas, Rafael  
**Subject:** FW: [Spam ??, Use Caution] Re: Greetings

**Importance:** Low

Rafael Rojas, Jr., ABD  
Assistant Professor of Justice Studies  
NH Association of Criminal Justice Educators, President Northeastern Association of Criminal  
Justice Sciences, 1st VP 107A Robert Frost Hall Southern New Hampshire University 2500 North  
River Road Manchester, NH 03106  
603-629-4621 (Office)  
603-629-4627 (Fax)  
973-479-6885 (Cell)

---

**From:** HEMLOCKPOISON@aol.com [HEMLOCKPOISON@aol.com]  
**Sent:** Friday, March 26, 2010 8:51 PM  
**To:** Rojas, Rafael  
**Subject:** [Spam ??, Use Caution] Re: Greetings

Ralph,

Reading the test took about 9 minutes. It seems fair, and gives many ranges/options of  
answers regarding the questions.

Regards,

Jim Sage  
PAPD/SIB ret. 2005  
United States Department of Veterans Affairs Office of Law Enforcement and Security-(Active)

In a message dated 3/23/2010 8:48:06 P.M. Eastern Daylight Time, [R.Rojas@snhu.edu](mailto:R.Rojas@snhu.edu) writes:  
Jimmy,  
Can you go over this survey and let me know, via e-mail, how long it took you to do it and  
what's your opinion about it.  
Thanks,  
Ralph

Rafael Rojas, Jr., ABD  
Assistant Professor of Justice Studies  
NH Association of Criminal Justice Educators, President Northeastern Association of Criminal  
Justice Sciences, 1st VP 107A Robert Frost Hall Southern New Hampshire University 2500 North  
River Road Manchester, NH 03106  
603-629-4621 (Office)  
603-629-4627 (Fax)  
973-479-6885 (Cell)

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