

Memorandum

TO: All DOT Safety-Sensitive Employees

FROM: Laura Wooding, Director, Medical Services

DATE: 4/12/19

SUBJECT: Safety Sensitive Employees and the use of Marijuana in **ANY** form

NJ Transit's Medical Services Department strives to keep you informed about our drug and alcohol testing policies, as well as any new changes in this area. I would like to remind you that our Drug and Alcohol-Free Workplace Policy applies to ALL employees, both safety and non-safety sensitive. *"The purpose of this policy is to ensure that NJ TRANSIT operates in the safest and most efficient manner possible, and to promote the safety and welfare of our employees and customers by creating a drug and alcohol-free workplace and ensuring that our employees are free from the effects of drugs and alcohol."* For complete details please refer to CWP's 3.25, 3.25A and 3.25B which can be found on the NJT Intranet; @Transit <http://atransit.njt.gov/>.

There have been recent initiatives in some states pertaining to the legalization of use of recreational marijuana. In turn there have been a number of inquiries about how this affects NJ Transit's Drug and Alcohol Free Workplace Policies. Below is an excerpt from the Department of Transportation's Office of Drug and Alcohol Policy and Compliance Notice:

We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation's regulated drug testing program. The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.

Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based upon learning that the employee used "recreational marijuana" when states have passed "recreational marijuana" initiatives.

<https://www.transportation.gov/sites/dot.gov/files/docs/odapc-notice-recreational-mj.pdf>

Please note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana in **ANY** form (to include CBD oil). In an effort to be very clear, NJ Transit's Medical Review Officers **will not** verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana" or CBD oils.

We want to assure the traveling public that our transportation system is the safest it can possibly be. It is the policy of NJ Transit to encourage employees to voluntarily seek help prior to being discovered to be in violation of the Drug and Alcohol-Free Workplace Policy. NJ Transit's Employee Assistance Program (EAP) provides services for any employee troubled by substance abuse problems. **For an appointment in any of the EAP offices or if you have any questions, please call: 1-800-338-2673 or (732) 290-0368.**