

**CERTIFICATION
OF
NEW JERSEY TURNPIKE AUTHORITY**

I, James D. Carone, hereby certify that I am the Executive Director of the New Jersey Turnpike Authority and as such, certify that the attached copy of PROCEEDINGS OF THE NEW JERSEY TURNPIKE AUTHORITY is a true and correct copy of the Minutes of the November 21, 2023 Meeting of the Authority.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the New Jersey Turnpike Authority this **21st day of November, 2023.**

ATTEST:



Jennifer Kanski
Secretary to the Authority



James D. Carone
Executive Director

Corporate Seal

Date: November 21, 2023

Received in the Governor's Office November 21, 2023

Received by:

Print Name

Signature

Veto Period Ends:

December 6, 2023
(Write in the date the veto period ends)



State of New Jersey

OFFICE OF THE GOVERNOR
P.O. Box 001
TRENTON, NJ 08625-0001

PHILIP D. MURPHY
GOVERNOR

AARON J. CREUZ
DEPUTY CHIEF COUNSEL

TO: Jennifer Kanski kanski@njta.com
FROM: Kelley Trimble, Authorities Unit, Office of the Governor
DATE: November 22, 2023
RE: **New Jersey Turnpike Authority Minutes**

This email is confirmation that the Authorities Unit received the minutes from the November 21, 2023 board meeting on November 21, 2023. The calculated veto date is December 6, 2023.

Thank you.

Attachment

cc: Thomas Holl

PROCEEDINGS OF MEETING OF NEW JERSEY TURNPIKE AUTHORITY
BOARD OF COMMISSIONERS
Tuesday, November 21, 2023

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Vice Chair Diaz called the meeting of the Authority's Board of Commissioners (the Board) into session in the Executive Boardroom of the Authority's Headquarters Building at 1 Turnpike Plaza in Woodbridge, New Jersey, at 9:02 a.m.

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Pledge of Allegiance

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PRESENT

Present were Chair Gutierrez-Scaccetti (absent), Vice Chair Ulises Diaz, Treasurer Michael DuPont, Commissioner Ronald Gravino, Commissioner John Minella (by tele-conference), Commissioner Raphael Salermo (by tele-conference) and Commissioner Francisco Maldonado and Deputy DOT Commissioner Joseph Bertoni (designee for Chair Gutierrez-Scaccetti, by tele-conference). The meeting commenced at 9:02 a.m.

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ALSO PRESENT

Executive Director James Carone, Deputy Executive Director Donna Wilser, Chief Financial Officer Donna Manuelli, Chief Engineer Michael Garofalo, Chief Information Officer Jose Dios, Acting Director of Law Ann Christine Monica, Director of Human Resources Mary-Elizabeth Garrity, Director of Operations Kevin Dunn, Director of Procurement and Materials Management Janet Rzepka, Director of Tolls John Labella, Director of Community and Government Relations Shawn Taylor, Deputy Director of Internal Audit David Forktus, New Jersey State Police Major Michael Krzyzkowski, Troop D and Secretary to the Authority Jennifer Kanski.

Also present were: Outside Counsel, Judy Verrone, Esq., of DeCotiis, FitzPatrick, Cole & Giblin, LLP and Governors' Authorities Unit Representative, Jamera Sirmans (by tele-conference).

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NOTICE OF MEETING

This is a regular meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to The Star Ledger and the Asbury Park Press, as well as numerous other newspapers, posted in the main lobby of the Authority's Administration Offices at 1 Turnpike Plaza, Woodbridge, prominently posted on the New Jersey Turnpike Authority's website at www.njta.com and on various social media platforms, including Facebook and Twitter, and notice has been forwarded to the Secretary of State, Trenton, New Jersey. Additionally, Authority public meetings will be held in-person and telephonically. Information and

instructions regarding telephonic access to the meetings by the public has been posted on the Authority's website.

Secretary to the Authority Kanski takes Roll Call and the Following Were Present:

1. Vice Chair Diaz
2. Treasurer DuPont
3. Commissioner Gravino
4. Commissioner Minella (by tele-conference)
5. Commissioner Salerno (by tele-conference)
6. Commissioner Maldonado
7. Deputy DOT Commissioner Joseph Bertoni (designee for Chair Gutierrez-Scaccetti, by tele-conference)

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EXECUTIVE SESSION

A motion to enter into Executive Session, not open to the public in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-12(b), to discuss matters pertaining to:

- Litigation
- Contract Negotiations/Collective Bargaining

The motion was made by Commissioner Gravino and seconded by Commissioner Maldonado and, after the voice vote, the motion was duly adopted by the Board of Commissioners of the New Jersey Turnpike Authority.

Executive Session was adjourned at 9:28 a.m. A motion was made by Commissioner Gravino and seconded by Treasurer DuPont to resume the public portion of the meeting at 9:32 a.m.

Secretary to the Authority Kanski takes Roll Call and the Following Were Present:

1. Vice Chair Diaz
2. Treasurer DuPont
3. Commissioner Gravino
4. Commissioner Minella (by-tele-conference)
5. Commissioner Salerno (by tele-conference)
6. Commissioner Maldonado
7. Deputy DOT Commissioner Joseph Bertoni (designee for Chair Gutierrez-Scaccetti, by tele-conference)

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ACTION ON MINUTES

The Secretary to the Authority reported that ten days, excluding Saturdays, Sundays and holidays, have elapsed since Governor Philip D. Murphy received the minutes of the regular meeting of October 24, 2023; Governor Murphy exercised his power to veto agenda item number 258-10-2023 entitled "Authorization to Adopt the 2024 Annual Budget". All remaining actions taken at the meeting were approved.

Upon motion made by Commissioner Minella seconded by Commissioner Gravino the minutes of the meeting was unanimously approved.

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RECUSALS

The Secretary to the Authority reported recusals or abstentions submitted for the record:

- Commissioner Maldonado is recused on Agenda Item Numbers 264-11-2023, 265-11-2023, 272-11-2023 and 284-11-2023.

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PUBLIC COMMENT (in Person)

None

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PUBLIC COMMENT (remote by tele-conference)

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Matthew Buchys-Hyland

Mr. Buchys-Hyland stated in relation to the 2024 Annual Budget that Governor Murphy vetoed, Mr. Buchys-Hyland inquired how many times Governor Murphy's predecessor, Chris Christie had signed the annual budget with a toll increase.

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EXECUTIVE DIRECTOR COMMENTS

Executive Director Carone announced that Chief Financial Officer Donna Manuelli is retiring after 29 years of service and wanted to take a few moments to acknowledge her and her many contributions to the Authority. Executive Director Carone advised that she is a graduate with a finance degree from Villanova University and immediately commenced her career and worked her way up to Vice President in her previous employment. Chief Financial Officer Manuelli was hired at the Authority in 1994 as a Junior Accountant and worked her way up to Chief Financial Officer in 2010. She has participated in numerous significant projects at the Authority that include the successful implementation of the E-ZPass system in the early 2000s, billions of dollars in public bond finances which include both new money bonds to fund the Capital Programs and refunding bonds for debt service savings. Executive Director Carone further advised that Chief Financial Officer Manuelli has always been updating and implementing state of the art financial systems year after year and to her credit she has successfully hired, re-hired and trained a group of young talented staff members that will be the foundation of the Finance Department for years to come and he stated that is quite an achievement. Executive Director Carone requested everyone to join him in congratulating Chief Financial Officer Manuelli on her outstanding career and wished her happiness and the best of health in the future.

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COMMISSIONER COMMENTS

Commissioner Gravino stated it has been a pleasure to work with Chief Financial Officer Manuelli and he is very impressed that there is a never a question that she doesn't have the answer to. Commissioner Gravino thanked Chief Financial Officer Manuelli for all she has done. Commissioner Maldonado stated that considering the scope of Chief Financial Officer Manuelli's career and the financial challenges this organization has faced over the last four years alone and for the Authority to be in a place where it's future is financially secure and remains solvent despite inflation, wars and COVID, is a

testament to the hard work she has accomplished. Commissioner Maldonado further stated that he has appreciated what she has done and how she has created a good foundation for moving forward and she will be tremendously missed. Treasurer DuPont stated it has been a pleasure to watch Chief Financial Officer Manuelli grow and also gather some traits as a leader. Treasurer DuPont further stated that it has been a pleasure to work with her, her legacy is certainly present and will always be present and it appears that the individuals she has trained over the last 29 years have some very big shoes to fill. Treasurer DuPont closed with how proud she should be of her career and that she is an example of a confident leader and he wished her all the best. Vice Chair Diaz praised Chief Financial Officer Manuelli on her work with the Authority, especially relating to the bond work and her financial leadership at the Authority. Vice Chair Diaz closed with how greatly missed she will be and wished her the best on her retirement.

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HUMAN RESOURCES

Director of Human Resources Mary-Elizabeth Garrity requested approval of item number 262-11-2023. Moved is the item as follows:

262-11-2023

Director of Human Resources Mary-Elizabeth Garrity submitted the **Personnel Agenda**, dated November 21, 2023, and requested confirmation of the personnel matters contained therein. The Executive Director certified the recommendations for consideration.

On motion by Commissioner Maldonado and seconded by Commissioner Gravino employment of those named to serve at the pleasure of the Authority and other recommended personnel actions, were approved, ratified and confirmed, to become effective as of the dates specified and at the salaries listed.

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ROLL CALL

DIAZ DuPONT GRAVINO MINELLA SALERMO MALDONADO BERTONI

YES YES YES YES YES YES YES

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LAW

Acting Director of Law, Ann C. Monica, requested approval of item number 263-11-2023. Moved are the items as follows:

263-11-2023

In a memorandum dated November 8, 2023, Authorization to Participate in an Out-of-Court Settlement with Morgan Stanley Regarding Allegations of Municipal Bond Underpricing, Amount: \$675,000, was approved.

Several years ago, Roger Hayes and C. Talbot Heppenstall (the "Realtors") filed a complaint against ten (10) investment banks alleging violations of the New Jersey False Claims Act. The complaint alleged that the underwriters for the investment banks intentionally underpriced bonds for government entities. The New Jersey Turnpike Authority issued two (2) of the bonds that were allegedly underpriced. The Realtors have pursued the claim on their own for the last several years and Morgan Stanley is the last remaining defendant. Morgan Stanley is prepared to settle for \$5 million.

Following the investigation, the Attorney General's office has advised that the Attorney General and Governor have approved the settlement. The Authority will not be required to pay any legal fees or costs in connection with this matter. From the \$5 million settlement, the State and the Authority would be awarded at minimum \$1.5 million to split. The split is based off the State having eight (8) underpriced bonds and the Authority having two (2). The State would take 55% and the Authority would take 45%, leaving a minimum of \$675,000 to the Authority.

The New Jersey Attorney General recommends that the Authority participate in the settlement and the Law Department, together with Special Counsel Wilentz, Goldman & Spitzer, P.A., concurs.

Accordingly, it is requested that the Board of Commissioners approve participation in the settlement and accept the Authority's share as set forth above. It is further requested that the Board of Commissioners delegate to the Executive Director the authority to execute the election to participate and the release documents in this matter. It is further recommended the Executive Director be authorized to execute any such further documents and take any such other actions as are deemed necessary to effectuate the intent of this authorization.

On motion by Treasurer DuPont and seconded by Commissioner Minella the Board unanimously approved item number 263-11-2023; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

DIAZ DuPONT GRAVINO MINELLA SALERMO MALDONADO BERTONI

YES YES YES YES YES YES YES

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ENGINEERING

Chief Engineer Michael Garofalo requested approval of item numbers 266-11-2023 through 271-11-2023. Moved are the items as follows:

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ORDER FOR PROFESSIONAL SERVICES (OPS)

266-11-2023

In a document dated October 31, 2023, **Recommendation to Issue Order for Professional Services No. T3886, New Jersey Turnpike, M&J Engineering, P.C., Supervision of Construction Services for Contract No. T200.608, Roadway Stabilization and Reprofilng Improvements, Milepost 97 to 98 and Milepost 102 to 104.5, R-182236, Budget Code: 5000028000, Amount: \$7,775,000.00,** was approved.

This Order for Professional Services will provide supervision of construction services for Contract No. T200.608, Roadway Stabilization and Reprofilng Improvements, Milepost 97 to 98 and Milepost 102 to 104.5. These services include construction inspection, material testing, record keeping, preparation of payment estimates, and other services required to ensure compliance with the contract documents.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and fifty-two (52) engineering firms were prequalified and eligible under Profile Codes: B151, Construction Management and B153, Roadway Construction Inspection. Eleven firms submitted EOIs by the closing date of September 6, 2023.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) M&J Engineering, P.C.; 2) Greenman-Pedersen, Inc.; and 3) Jacobs Engineering Group Inc. On October 3, 2023, Technical and sealed Fee Proposals were received from the top three firms. The Review Committee reviewed and evaluated each firm's Technical Proposal and it was determined that oral presentations would not be required. The final scoring resulted in M&J Engineering, P.C. being the highest technically ranked firm. The fee submitted by M&J Engineering, P.C. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. T3886 be issued to the firm of M&J Engineering, P.C. of Ridgefield Park, New Jersey, in an amount not to exceed \$7,775,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. These professional services were procured by a fair and open process, and the recommended firm was selected in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

267-11-2023

In a document dated October 25, 2023, **Recommendation to Issue Order for Professional Services Nos. P3930 and P3931, Garden State Parkway, Van Cleef Engineering Associates, LLC - OPS No. P3930, Arora and Associates, P.C. - OPS No. P3931, Order for Professional Services No. P3930, 2024 New Jersey Turnpike Authority Bridge Inspection Program, Garden State Parkway - Group 2, Milepost 96 to 123, R-181612, Budget Code: 010-850-445900, Funding Allocation:**

\$750,000.00 FY 2024, \$185,000.00 FY 2025, Amount: \$935,000.00 and Order for Professional Services No. P3931, 2024 New Jersey Turnpike Authority Bridge Inspection Program, Garden State Parkway – Group 4, Milepost 149 to 172, R-181613, Budget Code: 010-850-445900, Funding Allocation: \$760,000.00 FY 2024, \$170,000.00 FY 2025, Amount: \$930,000.00, was approved.

Through this single procurement process the Authority will select two consultants to furnish engineering services for bridge inspections on the Garden State Parkway.

The engineering services associated with OPS No. P3930 will include inspection of 125 bridges located in the southern region of the Parkway and OPS No. P3931 will include inspection of 122 bridges located in the northern region of the Parkway. Both OPS' include FHWA Structure Inventory and Appraisal (SI&A) form updates, FHWA Element Level Inspection, data collection, and preparation of bridge inspection reports.

These assignments are classified as "Simple Projects" since the scopes of work are clearly defined and not likely to change during the course of the project, and the cost of each is less than \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and thirty-three (33) engineering firms were prequalified and eligible under Profile Code: D280C, Bridges - NBIS Program, Complex. Eight firms submitted EOIs by the closing date of September 28, 2023.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking of the top three firms: 1) Van Cleef Engineering Associates, LLC; 2) Arora and Associates, P.C.; and 3) KS Engineers, P.C. These three firms were requested to submit sealed Fee Proposals, which were received and have been reviewed. The Fee Proposal of the highest technically ranked firm, Van Cleef Engineering Associates, LLC, for OPS No. P3930 (in accordance with the Solicitation for EOIs), was reviewed and negotiated. Subsequently, the Fee Proposal of the second highest technically ranked firm, Arora and Associates, P.C., for OPS No. P3931 (in accordance with the Solicitation for EOIs), resulted in acceptance of their original Fee Proposal. Both fees are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P3930 be issued to the firm of Van Cleef Engineering Associates, LLC of Freehold, New Jersey, not to exceed the amount of \$935,000.00 allocated as follows: \$750,000.00 in FY 2024 and \$185,000.00 in FY 2025. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.63 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

It is further recommended that Order for Professional Services No. P3931 be issued to the firm of Arora and Associates, P.C. of Lawrenceville, New Jersey, not to exceed the amount of \$930,000.00 allocated as follows: \$760,000.00 in FY 2024 and \$170,000.00 in FY 2025. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.80 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

These professional services were procured by a fair and open process, and the recommended firms were selected in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's

enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

268-11-2023

In a document dated October 30, 2023, **Recommendation to Issue Order for Professional Services Nos. T3932 and T3933, New Jersey Turnpike, Michael Baker International, Inc. - OPS No. T3932, ATANE Engineers, Architects and Land Surveyors, P.C. - OPS No. T3933, Order for Professional Services No. T3932, 2024 New Jersey Turnpike Authority Bridge Inspection Program, New Jersey Turnpike – Group 1, Milepost 0 to 67, and the Pearl Harbor Memorial Turnpike Extension, R-182258, Budget Code: 010-850-445900, Funding Allocation: \$950,000.00 FY 2024, \$300,000.00 FY 2025, Amount: \$1,250,000.00 and Order for Professional Services No. T3933, 2024 New Jersey Turnpike Authority Bridge Inspection Program, New Jersey Turnpike – Group 3, Milepost 105 to E118, and the Newark Bay-Hudson County Extension, R-182259, Budget Code: 010-850-445900, Funding Allocation: \$845,000.00 FY 2024, \$260,000.00 FY 2025, Amount: \$1,105,000.00,** was approved.

Through this single procurement process the Authority will select two consultants to furnish engineering services for bridge inspections on the Turnpike.

The engineering services associated with OPS No. T3932 will include inspection of 174 bridges located in the southern region of the Turnpike and OPS No. T3933 will include inspection of 55 bridges located in the northern region of the Turnpike. Both OPS' include FHWA Structure Inventory and Appraisal (SI&A) form updates, FHWA Element Level Inspection, data collection, and preparation of bridge inspection reports.

These assignments are classified as "Simple Projects" since the scopes of work are clearly defined and not likely to change during the course of the project, and the cost of each is less than \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and thirty-one (31) engineering firms were prequalified and eligible under Profile Code: D280C, Bridges - NBIS Program, Complex. Five firms submitted EOIs by the closing date of October 9, 2023.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking of the top three firms: 1) Michael Baker International, Inc.; 2) ATANE Engineers, Architects and Land Surveyors, P.C.; and 3) Van Cleef Engineering Associates, LLC. These three firms were requested to submit sealed Fee Proposals, which were received and have been reviewed. A review of the Fee Proposal of the highest technically ranked firm, Michael Baker International, Inc., for OPS No. T3932 (in accordance with the Solicitation for EOIs), was reviewed and negotiated. Subsequently, a review of the Fee Proposal of the second highest technically ranked firm, ATANE Engineers, Architects and Land Surveyors, P.C. for OPS No. T3933 (in accordance with the Solicitation for EOIs) resulted in acceptance of their original Fee Proposal. Both fees are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. T3932 be issued to the firm of Michael Baker International, Inc. of Hamilton, New Jersey, not to exceed the amount of \$1,250,000.00 allocated as follows: \$950,000.00 in FY 2024 and \$300,000.00 in FY 2025. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.66 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

It is further recommended that Order for Professional Services No. T3933 be issued to the firm of ATANE Engineers, Architects and Land Surveyors, P.C. of Edison, New Jersey, not to exceed the amount of \$1,105,000.00 allocated as follows: \$845,000.00 in FY 2024 and \$260,000.00 in FY 2025. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.80 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

These professional services were procured by a fair and open process, and the recommended firms were selected in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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269-11-2023

In a document dated November 2, 2023, **Recommendation to Issue Order for Professional Services Nos. P3939 and P3940, Garden State Parkway, Stantec Consulting Services, Inc. - OPS No. P3939, Van Cleef Engineering Associates, LLC - OPS No. P3940, Order for Professional Services No. P3939, Design Services for Contract No. P100.661, Bridge Repairs and Resurfacing, Milepost 0 to 126 (2025), R-182260, Budget Code: 0390002005, Amount: \$1,750,000.00 and Order for Professional Services No. P3940, Design Services for Contract No. P100.662, Bridge Repairs and Resurfacing, Milepost 126 to 172 (2025), R-182261, Budget Code: 0390002006, Amount: \$1,900,000.00**, was approved.

Through this single procurement process, the Authority will select two consultants to furnish design services and prepare construction contract documents for the annual bridge deck and miscellaneous structural repair contracts for 2025, which will address the southern and northern portions of the Parkway.

The design services associated with OPS No. P3939 will include bridge inspection, condition evaluation and preparation of contract documents for bridge deck repairs, resurfacing and miscellaneous structural repairs on the southern portion of the Parkway. The design services associated with OPS No. P3940 will include bridge inspection, condition evaluation and preparation of contract documents for bridge deck repairs, resurfacing and miscellaneous structural repairs on the northern portion of the Parkway.

These assignments are classified as "Simple Projects" since the scopes of work are clearly defined and not likely to change during the course of the project, and the cost of each is less than \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and fifty-one (51)

engineering firms were prequalified and eligible under Profile Codes: A092, Bridges: Miscellaneous Repairs and A093, Bridges: Deck Replacements and Rehabilitations. Four firms submitted EOIs by the closing date of October 4, 2023.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking of the top three firms: 1) Stantec Consulting Services, Inc.; 2) Van Cleef Engineering Associates, LLC; and 3) Parsons Transportation Group, Inc. These three firms were requested to submit sealed Fee Proposals, which were received and have been reviewed. A review of the Fee Proposal of the highest technically ranked firm, Stantec Consulting Services, Inc., for OPS No. P3939 (in accordance with the Solicitation for EOIs), was reviewed and negotiated. Subsequently, a review of the Fee Proposal of the second highest technically ranked firm, Van Cleef Engineering Associates, LLC for OPS No. P3940 (in accordance with the Solicitation for EOIs) was reviewed and negotiated. Both fees are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P3939 be issued to the firm of Stantec Consulting Services, Inc. of Rochelle Park, New Jersey, not to exceed the amount of \$1,750,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.80 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

It is further recommended that Order for Professional Services No. P3940 be issued to the firm of Van Cleef Engineering Associates, LLC of Freehold, New Jersey, not to exceed the amount of \$1,900,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.62 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

These professional services were procured by a fair and open process, and the recommended firms were selected in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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270-11-2023

In a document dated October 26, 2023, **Recommendation to Issue Order for Professional Services No. T4168, New Jersey Turnpike, Gannett Fleming, Inc., Supervision of Construction Services for Contract No. T200.603, Lighting Improvements at Interchange 15E and Interchange 15W, Milepost 106.0 to 107.5 and Milepost 107.5 to 109.1, R-182238, Budget Code: 5000040003, Amount: \$2,840,000.00,** was approved.

This Order for Professional Services will provide supervision of construction services for Contract No. T200.603, Lighting Improvements at Interchange 15E and Interchange 15W, Milepost 106.0 to 107.5 and Milepost 107.5 to 109.1. These services include construction inspection, material testing, record keeping, preparation of payment estimates, and other services required to ensure compliance with the contract documents.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and fifty-two (52) engineering firms were prequalified and eligible under Profile Codes: B151, Construction Management and B153, Roadway Construction Inspection. Eight firms submitted EOIs by the closing date of August 31, 2023.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) Gannett Fleming, Inc.; 2) APTIM Environmental and Infrastructure, LLC; and 3) T.Y. Lin International. On October 3, 2023, Technical and sealed Fee Proposals were received from the top three firms. The Review Committee reviewed and evaluated each firm's Technical Proposals and it was determined that oral presentations would not be required. The final scoring resulted in Gannett Fleming, Inc. being the highest technically ranked firm. The fee submitted by Gannett Fleming, Inc. has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. T4168 be issued to the firm of Gannett Fleming, Inc. of East Brunswick, New Jersey, in an amount not to exceed \$2,840,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. These professional services were procured by a fair and open process, and the recommended firm was selected in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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271-11-2023

In a document dated November 13, 2023, **Recommendation to Issue Supplement A to Order for Professional Services No. A3785, Garden State Parkway and New Jersey Turnpike, HNTB Corporation, General Consulting Engineering Services, R-182262, Budget Code: Various, Original OPS Amount: \$58,115,000.00, Amount of Supplement A: \$13,150,000.00, Revised OPS Amount: \$71,265,000.00**, was approved.

This Order for Professional Services was issued at the September 22, 2020 Commission Meeting, in the amount of \$58,115,000.00. The terms of the New Jersey Turnpike Revenue Bond Resolution require the Authority to employ "...an independent engineer or engineering firm or corporation having a nationwide and favorable reputation for skill and experience..." (Section 709) to carry out the duties of General Consulting Engineers (GCE).

Under OPS No. A3785, the GCE performs the following services over a five-year term from January 1, 2021 through December 31, 2025:

- All known services required of the General Consulting Engineers, but not limited to, services related to and required by bond resolution;
- Updates of Authority manuals and documents

- Reports on the physical condition of the Turnpike and Garden State Parkway roadways and facilities;
- Consultation, strategic planning and support services associated with Capital Programs;
- Construction contract design reviews;
- Review of third party improvements and License to Cross applications and documentation;
- Support and maintain the Authority's Qualified Products List Program;
- Support services related to the maintenance and renewal of property insurance;
- Services related to Electronic Toll Collection and Back Office contract and implementation management;
- Services related to performance based tolling, intelligent transportation systems and technology;
- Support of the Pavement Maintenance Program;
- Assistance with the Authority's Bridge Inspection Program as the Program's Technical Manager;
- Other miscellaneous services as required;
- Any additional services upon request through the Work Request Authorization Form (WRAF) process.

Supplement A is required to increase the authorized ceiling of the OPS to permit HNTB Corporation to continue to provide professional services in accordance with the requirements of this GCE assignment. More specifically, Supplement A in the amount of \$13.15 million, provides for the continuation/completion of fifteen (15) existing tasks.

Existing tasks to be completed include, but are not limited to, supplementary staff support for the Engineering, ITS and Law Departments, additional construction contract design reviews, capital program management system (CPMS) support, capital improvement program support, additional bridge inspection program services, and investigations and environmental screenings to advance all electronic tolling.

It is, therefore, recommended that Supplement A to Order for Professional Services No. A3785 be issued to HNTB Corporation not to exceed the amount of \$13,150,000.00 with compensation on the same basis as the original Order for Professional Services. The addition of this amount increases the total authorized fee from \$58,115,000.00 to \$71,265,000.00. The original contract was procured pursuant to N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

On motion by Commissioner Gravino and seconded by Commissioner Maldonado the Board unanimously approved item numbers 266-11-2023 through 271-11-2023; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

DIAZ DuPONT GRAVINO MINELLA SALERMO MALDONADO BERTONI

YES YES YES YES YES YES YES

Chief Engineer Michael Garofalo requested approval of item numbers 264-11-2023, 265-11-2023 and 272-11-2023. Moved are the items as follows:

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PUBLIC BID SOLICITATIONS – AWARD OF CONTRACTS

264-11-2023

In a document dated October 26, 2023, **Recommendation to Award Contract No. T200.603, New Jersey Turnpike, Daidone Electric, Inc., Lighting Improvements at Interchange 15E and Interchange 15W, Milepost 106.0 to 107.5 and Milepost 107.5 to 109.1, R-182235, Budget Code: 5000040003, Amount: \$21,880,000.00,** was approved.

This contract will provide for lighting improvements at Interchange 15E and Interchange 15W, Milepost 106.0 to 107.5 and Milepost 107.5 to 109.1 on the Turnpike roadway. All work is expected to be substantially completed by July 2026.

Three bid proposals were received on October 20, 2023 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal in the amount of \$21,880,000.00 may be compared to the second low bidder in the amount of \$26,075,861.25. The bids were significantly lower than the Engineer's Estimate in the amount of \$28,579,671.00 likely due to low bidder's current involvement in the region and ability to take advantage of fully mobilized staff. The low bidder, Daidone Electric, Inc. has performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.603 be awarded to the low bidder, Daidone Electric, Inc. of Newark, New Jersey, in the amount of \$21,880,000.00. Bids for this work were procured, and the authorization being sought is to award this fair and open contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

The General Consultant, HNTB Corporation, concurs with this recommendation.

265-11-2023

In a document dated October 30, 2023, **Recommendation to Award Contract No. T200.608, New Jersey Turnpike, Crisdel Group, Inc., Roadway Stabilization and Reprofilling Improvements, Milepost 97 to 98 and Milepost 102 to 104.5, R-182257, Budget Code: 5000028000, Amount: \$51,865,330.00,** was approved.

This contract will provide for the non-destructive stabilization of compressible subsurface soils utilizing polyurethane grouting under the Turnpike mainline roadways from Milepost 97 to 98 and the Turnpike Northbound Outer Roadway between Milepost 102 and 104.5 in Union and Essex Counties. The contract will also include the reprofilling and resurfacing of surface course pavement, the reconstruction of concrete median barrier, guide rail improvements, drainage pipe cleaning, lining and repairs, and existing storm drain reconstruction. All work is expected to be substantially completed by December 2027.

Two bid proposals were received on October 24, 2023 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal in the amount of \$51,865,330.00 may be compared to the Engineer's Estimate in the amount of \$72,283,569.00. The bid proposal was also significantly lower than the second low bidder, which is likely due to the low bidder's current involvement in the region and ability to take advantage of fully mobilized staff. Engineering Department representatives confirmed with the low bidder that they can perform at the bid prices. The low bidder, Crisdel Group, Inc., has performed similar work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.608 be awarded to the low bidder, Crisdel Group, Inc. of South Plainfield, New Jersey, in the amount of \$51,865,330.00. Bids for this work were procured, and the authorization being sought is to award this fair and open contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

The General Consultant, HNTB Corporation, concurs with this recommendation.

**ACKNOWLEDGE REPORTS OF
ENGINEERING EXPENDITURES UNDER DELEGATED AUTHORITY**

272-11-2023

The Board acknowledges the reports of Engineering Expenditures Under Delegated Authority as indicated below:

- Construction Contract Progress Summary
- Change Order Summary

On motion by Treasurer DuPont and seconded by Commissioner Gravino the Board unanimously approved item nos. 264-11-2023 and 265-11-2023 and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda. The Authority unanimously accepted the reports contained in item number 272-11-2023 and received same for file.

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ROLL CALL**

DIAZ DuPONT GRAVINO MINELLA SALERMO MALDONADO BERTONI

YES YES YES YES YES RECUSED YES

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PROCUREMENT AND MATERIALS MANAGEMENT ("PMM")

Director of PMM Janet Rzepka requested approval of item numbers 273-11-2023 through 282-11-2023. Moved are the items as follows:

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PUBLIC BIDS**

273-11-2023

In a document dated October 16, 2023, **Mobile Restroom Trailers (5), Jag Mobile Solutions, Inc., RM-181078 (Operations), Budget Code: 049 00 500 156555 0490016008, Amount: \$185,350.00 (\$37,070.00 each)**, was approved.

Under this contract, Jag Mobile Solutions, Inc. will supply five (5) 8' x 6' Mobile Restroom Trailers for use by Authority personnel on both Roadways for emergency purposes. These five (5) Mobile Restroom Trailers will be added to the one (1) existing trailer so that all three areas on both Roadways will have one, which will eliminate the need to rent facilities and transport the existing trailer. The bid was advertised on September 20, 2023, and the nine (9) vendors listed in the Authority's data base for the referenced commodity were notified of the procurement. On October 11, 2023, two (2) bids were received as follows:

| Vendor | Unit Price | Total Bid Price |
|-----------------------------|-------------|-----------------|
| Jag Mobile Solutions, Inc. | \$37,070.00 | \$185,350.00 |
| Ready 2 Go Restroom Trailer | \$38,335.00 | \$191,675.00 |

Departmental Estimate: \$200,000.00.

Bids for this contract were procured, and the authorization being sought is to award this fair and open contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

Accordingly, authorization is requested to award a contract for five (5) Mobile Restroom Trailers to Jag Mobile Solutions, Inc. in an amount not to exceed \$185,350.00, subject to funding availability at the time of ordering.

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PUBLIC BIDS

274-11-2023

In a document dated October 18, 2023, **Uniform Rental and Cleaning Services, American Wear, Inc., RM-176601 (Operations), Budget Code: 010 00 500 442030, Amount: \$196,812.60 (2-year contract)**, was approved.

Under this contract, American Wear, Inc. will provide Uniform Rental and Cleaning Services. Services include furnishing, cleaning, delivery, and pick-up of clothing, blankets, mattress covers, safety vests, and surcoats for the Turnpike Division of the Maintenance Department, as well as Arc-Flash uniforms for Turnpike electricians. The bid was fully advertised on October 2, 2023, and the six (6) vendors listed in the Authority's data base for the referenced services were notified of the procurement. On October 16, 2023, a sole bid was received.

Departmental Estimate: \$300,000.00.

Bids for this contract were procured, and the authorization being sought is to award this fair and open contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

Accordingly, authorization is requested to award a two-year contract for Uniform Rental and Cleaning Services to American Wear, Inc. in an amount not to exceed \$196,812.60, subject to funding availability at the time of ordering.

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STATE/GOVERNMENT CONTRACTS

275-11-2023

In a document dated October 18, 2023, **Managed Security Services, Verizon Business Network Services, LLC, RM-182420 (Information Technology Services), Budget Code: 010 00 830 445900, State Contract No. T-1779/85943 expires 02/10/2024, Amount: \$1,185,600.00,** was approved.

Under this contract, Verizon Business Network Services, LLC will provide twelve (12) months of managed security of IT systems which includes 24/7 monitoring, remediation, as well as tuning and reporting. Verizon is equipped with threat analytics software, security architects, forensics specialists and executive management dedicated to meet the Authority's IT security needs. Verizon will monitor the Authority's firewalls, domain controllers, servers and PCs for ingress and egress threats. These managed security services are available from NJ State Contract No. T-1776/85943 expiring 02/10/2024.

This procurement, under State Contract No. T-1776/85943 is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a one-year Agreement under State Contract No. T-1776/85943 for managed security services for the Authority's IT systems to Verizon Business Network Services, LLC for an amount not to exceed \$1,185,600.00, subject to funding availability at the time of services.

276-11-2023

In a document dated November 16, 2023, **WINK Software Support Services 2024-2028, Insight Public Sector, Inc., R-182391 (Information Technology Services), Budget Code: 010 00 830 121020, State Contract No. T-3121/20-TELE-01512 expiring 05/24/2026, Amount: \$558,301.80,** was approved.

Under this contract, Insight Public Sector, Inc. will supply the Authority with server support for WINK. The Authority uses WINK to stream roadway cameras for the NJTA website as well as NJ511. This is a high availability system with hardware in both data centers that decode and process streaming cameras. This contract will include five (5) years of coverage for ten (10) servers and four (4) media routes and is available under State Contract No. T-3121/20-TELE-01512 expiring 05/24/2026.

This procurement, under State Contract No. T-3121/20-TELE-01512 is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a five-year Agreement under State Contract No. T-3121/20-TELE-01512 for WINK Software Support Services to Insight Public Sector, Inc. for an amount not to exceed \$558,301.80.

277-11-2023

In a document dated November 16, 2023, **Tableau System Support and Maintenance 2023-2024, Insight Public Sector, Inc., R-182393 (Information Technology Services), Budget Code: 010 00 830 121020, State Contract No. T-3121/20-TELE-01512 expiring 05/24/2026, Amount: \$265,221.94,** was approved.

Under this contract, Insight Public Sector will supply the Authority with support and maintenance for Tableau, the Authority's enterprise solution for Business Intelligence and Business Analytics. Tableau is currently used for Pavement Reflectivity Analysis. The Authority is currently in the planning phase to utilize Tableau to provide reporting on capital projects in the Authority's Capital Project Management System (CPMS) and ETC processing system. This contract will be for one (1) year of coverage and is available under State Contract No. T-3121/20-TELE-01512 expiring 05/24/2026.

This procurement, under State Contract No. T-3121/20-TELE-01512 is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a one-year Agreement under State Contract No. T-3121/20-TELE-01512 for Tableau System Support and Maintenance to Insight Public Sector, Inc. for an amount not to exceed \$265,221.94.

278-11-2023

In a document dated October 23, 2023, **Aviat Redline Support 2024, Aviat Networks, R-181969 (Information Technology Services), Budget Code: 010 00 830 121020, State Contract No. T-0109/83920 expiring 04/30/2024, Amount: \$128,856.06 (3-year term),** was approved.

Under this contract, Aviat Networks will supply the Authority with Redline support for three years. The Authority utilizes Redline equipment to provide communications for Variable Message Signs (VMS) and cameras where the Authority does not have network infrastructure abilities. This contract will include software upgrades, hardware replacements, and technical support for over 300 units for a three-year term, expiring on 11/30/2026. By entering into a three-year agreement, the Authority will receive services at a 15% discount. This contract will be for three (3) years of coverage and is available under State Contract No. T-0109/83920 expiring 04/30/2024.

This procurement, under State Contract No. T-0109/83920 is in accordance with *N.J.A.C. 19:9-2.5(a)*, promulgated pursuant to *N.J.S.A. 27:23-1 et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a one-year Agreement under State Contract No. T-0109/83920 for Aviat Redline Support to Aviat Networks for an amount not to exceed \$128,856.06.

279-11-2023

In a document dated November 6, 2023, **Plumbing, Heating, and HVAC Supplies (T-3027), Atlantic Procurement Group, State Contract No. 22-FOOD-53265 expiring 10/01/2026, Air Purifiers Inc., State Contract No. 22-FOOD-53264 expiring 10/01/2026, Ironbound Supply Co. Inc., State Contract No. 22-FOOD-53263 expiring 10/01/2026, RM-182747, RM-182739, RM-182750 (Operations), Budget Code: 010 00 585 428050, Amount: \$285,000.00**, was approved.

Under these contracts, three (3) different vendors will supply the Authority with plumbing, heating, and HVAC supplies used to maintain the Authority's buildings and facilities on both Roadways as follows:

| Vendor | Amount |
|---|-------------|
| Atlantic Procurement Group Long Branch, NJ | \$95,000.00 |
| Air Purifiers Inc. Rockaway, NJ | \$95,000.00 |
| Ironbound Supply Co. Inc. Newark, NJ | \$95,000.00 |

These supplies include, but are not limited to, fittings, fixtures, and accessories and are available under State Contract No. T-3027/22-FOOD-53263, 53264, and 53265 expiring 10/01/2026.

This procurement, under State Contract No. T-3027/22-FOOD-53263, 53264, and 53265 is in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 *et seq.*, the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006) which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award contracts to: 1) Atlantic Procurement Group in the amount of \$95,000.00 under State Contract No. 22-FOOD-53265; 2) Air Purifiers Inc. in the amount of \$95,000.00 under State Contract No. 22-FOOD-53264; and 3) Ironbound Supply Co. in the amount of \$95,000.00 under State Contract No. 22-FOOD-53263, each for the term of the State Contract expiring 10/01/2026. The authorized amounts requested may be reallocated among the three vendors as required during the term of the contracts. The total authorized amount will not exceed \$285,000.00, based on funding availability at the time of the orders.

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Professional Services

280-11-2023

In a document dated November 9, 2023, **Professional On-Call Accounting Services, Deloitte & Touche LLP, RM-178300 (Finance), Budget Code: 010 00 831 444030, Amount: \$2,500,000.00,** was approved.

The New Jersey Turnpike Authority ("Authority") issued a Request for Proposal ("RFP") for professional on-call accounting services. The Consultant would assist in the Finance Department's current needs and strategic initiatives including assistance in implementation of complex new accounting pronouncements, updating policy and procedure documents, and reporting enhancements. The term of the contract is for a period of three (3) years with an option to extend the contract under the same terms and conditions, for two (2) additional one-year terms at the discretion of the Authority. On October 17, 2023, the Authority received proposals from the following four (4) firms:

1. Baker Tilly US, LLP – New York, NY ("Baker")
2. Crowe LLP – Livingston, NJ ("Crowe")
3. Deloitte & Touche LLP – Morristown, NJ ("Deloitte")
4. Ernst & Young LLP – Iselin, NJ ("Ernst")

The Executive Director established an evaluation committee (the "Committee") comprised of staff from the Authority's Finance and Internal Audit Departments as voting members. The Director of Procurement and Materials Management, and the Chief Financial Officer were non-voting members. The Committee reviewed the proposals and invited the top three ranked firms, Crowe, Deloitte and Ernst, for oral presentations. The presentations were conducted on October 26, 2023, and each of the firms were invited to submit a best and final offer ("BAFO") by October 30, 2023.

The Committee found that the three top ranked firms demonstrated high levels of experience and were responsive to the RFP Scope of Services. Each firm provided professional and comprehensive oral presentations. The Committee concluded that the proposal submitted by Deloitte provided the best value proposition when considering their proposal and oral presentation against the specified evaluation criteria. Deloitte also had the lowest all-in rates among all the proposals and was the only firm that did not escalate their hourly rates for each staff level over the term of the contract. The fee for each task will be negotiated independently in conjunction with the Work Request Authorization Form ("WRAF") process. The WRAFs would be issued for a not to exceed amount based upon the hourly rates contained in the proposal and BAFO.

This professional services procurement was conducted in accordance with *N.J.S.A. 27:23-6.1*, *N.J.A.C. 19:9-2.1(b)*, Executive Order No. 37 (Corzine 2006), and Executive Order No. 26 (Whitman 1994).

Accordingly, authorization is requested to issue a three-year professional services contract to Deloitte & Touche LLP to provide professional on-call accounting services for an amount not to exceed \$2,500,000.00. Authorization is further requested for the Executive Director to approve each of the two (2) optional one-year extensions upon satisfactory performance by the firm in the amounts not to exceed \$500,000.00 for the first extension year and \$500,000.00 for the second extension year, all subject to

funding availability at the time of service. It is also requested that the Executive Director be authorized to take such actions and to execute all documents that may be deemed necessary and appropriate to further the intent and purpose of the authorizations stated herein.

281-11-2023

In a document dated November 1, 2023, **Property Insurance Broker Services, Marsh USA Inc., RM-180477 (Law), Budget Code: Various, Amount: \$375,000.00 (3-year term)**, was approved.

The New Jersey Turnpike Authority ("Authority") issued a request for proposal ("RFP") to engage a firm to provide property insurance broker services. Specifically, the firm will provide insurance broker services for the Authority's property insurance program. This coverage shall include major and minor bridge and all other property located on both Roadways, as well as business interruption insurance. The Scope of Services included, but were not limited to: designing, marketing and implementing the program; claims management, risk management and related administrative services.

The RFP was advertised on August 10, 2023, in the Star Ledger and the Asbury Park Press, and posted on the Authority's, State of New Jersey and Bid Express websites. In addition, the seventeen (17) firms listed in the Authority's database for the referenced services were notified of the procurement. On September 14, 2023, proposals were received from the following three (3) firms:

- Marsh USA, LLC., Morristown, NJ ("Marsh")
- USI Insurance Services, Blue Bell, PA ("USI")
- Willis of New Jersey, Inc., Short Hills, NJ ("Willis")

An Evaluation Committee (the "Committee"), established by the Executive Director, consisted of personnel from the Law, Engineering and Finance Departments. In addition, the Director of the Procurement and Materials Management Department and the Authority's Risk Management Consultant served as non-voting members of the Committee. The Committee reviewed the written proposals based on the criteria set forth in the RFP and scored each firm individually. Based on the Committee's review of the proposals, the Committee invited representatives from all three firms to make oral presentations and provide best and final offers ("BAFOs"). Based upon the written and oral presentations, the Committee prepared a report that detailed the evaluation process and set forth its findings and recommendation.

The Committee found that both Marsh and Willis demonstrated high levels of experience and all three firms were responsive to the RFP Scope of Services. Each firm provided professional and comprehensive oral presentations, and both Marsh and Willis met or exceeded the requirements for the project team and for servicing public sector clients. The Committee, however, concluded that the proposal submitted by Marsh demonstrated the most benefit to the Authority, and thus received the highest score. Marsh submitted a proposal that evidenced a complete and in-depth understanding of the Authority's property risk profile. In addition, Marsh's proposed project team included a Client Executive, a Senior Property Claims Advocate and the Property Risk Consultant, all with significant years of experience. The Committee was impressed with the project team's experience in providing similar

services to other public entities which was well demonstrated in their written proposal, as was their understanding of the tasks required in providing property broker services to the Authority. Marsh submitted a final fee proposal of \$125,000.00 for each year of the term, \$130,000.00 for the first renewal year and \$135,000.00 for the second renewal year, if the Authority opts to extend the contract. The Committee recommended Marsh for the underlying brokerage services.

This professional services procurement was conducted in accordance with *N.J.S.A. 27:23-6.1*, *N.J.A.C. 19:9-2.1(b)*, Executive Order No. 37 (Corzine 2006), and Executive Order No. 26 (Whitman 1994).

Accordingly, authorization is requested to award a three-year contract to Marsh USA, Inc. to provide property insurance brokerage services for an amount not to exceed \$375,000.00. Authorization is further requested for the Executive Director to approve each of the two (2) optional one-year extensions upon satisfactory performance by the firm in the amounts not to exceed \$130,000.00 for the first extension year and \$135,000.00 for the second extension year, all subject to funding availability at the time of service. It is also requested that the Executive Director be authorized to take such actions and to execute all documents that may be deemed necessary and appropriate to further the intent and purpose of the authorizations stated herein.

282-11-2023

In a document dated November 15, 2023, **Special Counsel – Collections - Re-Solicitation, Durkin & Durkin, LLC, Linebarger Goggan Blair & Sampson, LLP, RM-171474 (Law), Budget Code: Various, Amount: \$2,000,000.00 (2-year term)**, was approved.

The New Jersey Turnpike Authority ("Authority") issued a request for qualifications ("RFQ") for Special Counsel – Collections; specifically Special Counsel Collections (In-State), Special Counsel – Collections (Out-of-State), Special Counsel – Collections (Bankruptcy), and Special Counsel – Collections (Property Damage). Services include, but are not limited to, collection of amounts due to the Authority primarily, but not exclusively, for unpaid tolls, as well as property damage to Authority personal and real property, including, but not limited to, damages caused by fire, water, inclement weather, people, and patrons as well as bankruptcy petitions involving toll violators. The term of the contract is for a period of two (2) years with the option to extend for two (2) additional one-year terms at the discretion of the Authority. Fees for these services were set forth in the RFQ.

The RFQ was advertised on September 28, 2023, in the Star-Ledger and Asbury Park Press and posted on the Authority's and State of New Jersey websites as well as the Bid Express website. The Authority also advertised the RFQ in the New Jersey Law Journal on October 2, 2023. In addition, sixty-six (66) law firms listed in the Authority's database for the referenced services were notified of the procurement.

On October 19, 2023, the Authority received qualifications from the following four (4) firms:

1. Durkin & Durkin, LLC – West Caldwell, NJ

2. Linebarger Goggan Blair & Sampson, LLP – New York, NY
3. Murphy Orlando LLC – Newark, NJ
4. Strasser & Associates, P.C. – Paramus, NJ

An Evaluation Committee (the "Committee"), established by the Executive Director, consisted of the Deputy Executive Director, Acting Director of Law, and Chief Information Officer. The Claims Coordinator of Law and the Director of Procurement and Materials Management served as non-voting members of the Committee.

The Committee evaluated the written qualifications based on the criteria set forth in the RFQ and scored each firm individually. All four (4) firms were invited for oral presentations on November 1, 2023. Based on the written and oral presentations, the Committee then compiled a report that details the evaluation process and sets forth its findings and recommendations.

After a thorough review of all qualifications and oral presentations, the Committee recommends that contracts be awarded to Durkin & Durkin, LLC ("Durkin") for Special Counsel – Collections (In-State), Special Counsel – Collections (Bankruptcy), and Special Counsel - Collections (Property Damage) and Linebarger Goggan Blair & Sampson, LLP ("Linebarger") for Special Counsel – Collections (Out-of-State).

Durkin has represented several townships, municipalities, and other governmental agencies in local, state, and federal courts. The firm is appropriately staffed and has demonstrated experience for these services.

Linebarger provides comprehensive legal and collection services for more than 2,500 public sector clients, and collects and litigates in all 50 U.S. states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Linebarger was the only firm who met the requirements for Special Counsel – Collections (Out-of-State) and can handle out-of-state collection efforts.

This professional services procurement was conducted in accordance with *N.J.S.A. 27:23-6.1*, *N.J.A.C. 19:9-2.1(b)*, Executive Order No. 37 (Corzine 2006), and Executive Order No. 26 (Whitman 1994).

Accordingly, authorization is requested to enter into two-year agreements with Durkin & Durkin, LLC and Linebarger Goggan Blair & Sampson, LLP, at rates set forth in the RFQ, for an aggregate amount not to exceed \$2,000,000.00. Authorization is also requested for the Executive Director to approve each of the two (2) optional one-year extensions upon satisfactory performance by the firms, subject to funding availability at the time of service. It is further requested that the Executive Director be authorized to extend any existing agreements with current Collections Counsel in the event it is deemed appropriate and cost-effective to allow representation to continue with respect to pending matters. Finally, it is further requested that the Executive Director be authorized to take such actions and to execute any and all documents that may be deemed necessary and appropriate to further the intent and purpose of the authorizations stated herein.

On motion by Treasurer DuPont and seconded by Commissioner Maldonado the Board unanimously approved item numbers 273-11-2023 through 282-11-2023; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

| | | | | | | |
|------|--------|---------|---------|---------|-----------|---------|
| DIAZ | DuPONT | GRAVINO | MINELLA | SALERMO | MALDONADO | BERTONI |
| YES | YES | YES | YES | YES | YES | YES |

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GENERAL BUSINESS

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OPERATIONS

Director of Operations Kevin Dunn requested acceptance of item number 283-11-2023. Moved is the item as follows:

283-11-2023

Director of Operations Kevin Dunn requested acceptance of **Volumes and Crash Synopses for the Garden State Parkway and New Jersey Turnpike: Period 01/01/2023 through 10/31/2023; with 2022-2023 Yearly Comparisons through October 2023,** was approved.

On motion by Commissioner Gravino and seconded by Treasurer DuPont the Board unanimously accepted item number 283-11-2023; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

Director of Operations Kevin Dunn requested approval of item number 284-11-2023. Moved is the item as follows:

284-11-2023

In a document dated November 2, 2023, **Recommendation to Award Contract No. A500.783, New Jersey Turnpike and Garden State Parkway, HBC Company Inc., Snow Trailer Electrical Improvements, R-182512, Budget Code: 0490012025, Amount: \$1,490,200.00,** was approved.

This contract involves installing a new power supply to seasonally operated temporary snow trailers at 20 facility locations on the New Jersey Turnpike and Garden State Parkway within various counties of New Jersey. All work is expected to be substantially completed by May 2024.

Five bid proposals were received on October 26, 2023 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$1,490,200.00, may be compared to the second low bidder in the amount of \$1,679,000.00. The low bid proposal was slightly higher, 5.3%, than the Engineer's Estimate in the amount of \$1,415,000.00 and is 36.1% below the average of the five bidders. HBC Company Inc. has performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. A500.783 be awarded to the low bidder, HBC Company Inc., of Lodi, New Jersey in the amount of \$1,490,200.00. Bids for this work were procured, and the authorization being sought is to award this fair and open contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006).

The General Consultant, HNTB Corporation, concurs with this recommendation.

On motion by Treasurer DuPont and seconded by Commissioner Gravino the Board unanimously approved item number 284-11-2023; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

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|------|--------|---------|---------|---------|-----------|---------|
| DIAZ | DuPONT | GRAVINO | MINELLA | SALERMO | MALDONADO | BERTONI |
| YES | YES | YES | YES | YES | RECUSED | YES |

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STATE POLICE

Major Michael Krzyzkowski requested acceptance of item number 285-11-2023. Moved is the item as follows:

285-11-2023

Major Michael Krzyzkowski requested acceptance of the New Jersey State Police Troop D Activity Reports for October 2023, with 2022– 2023 Yearly Comparisons.

On motion by Commissioner Gravino and seconded by Commissioner Maldonado the Board unanimously accepted the reports contained in item number 285-11-2023 and received same for file.

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FINANCE

Chief Financial Officer Donna Manuelli requested acceptance of item number 286-11-2023. Moved is the item as follows:

286-11-2023

Chief Financial Officer Donna Manuelli presented the Financial Summary for the Ten (10) month's ended October 31, 2023, was accepted.

On motion by Commissioner Salerno and seconded by Treasurer DuPont the Board unanimously accepted item number 286-11-2023; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

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| DIAZ | DuPONT | GRAVINO | MINELLA | SALERMO | MALDONADO | BERTONI |
| YES | YES | YES | YES | YES | YES | YES |

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EXECUTIVE

Deputy Executive Director Wisler requested approval of item numbers 287-11-2023 and 288-11-2023. Moved is the item as follows:

287-11-2023

In a memorandum dated November 17, 2023, **Authorization to Enter into a Joint Memorandum of Agreement with IFPTE Locals 194, 196 (Chapters 1 and 12), and 200 and AFSCME Local 3914 and the New Jersey Turnpike Authority relative to Compensation, Health Benefits and certain other joint issues.** was approved.

On November 15, 2023, IFPTE Locals 194, 196 (Chapters 1 and 12), and 200 and AFSCME Local 3914 and the New Jersey Turnpike Authority entered into a Memorandum of Agreement ("MOA") relative to but not limited to; compensation, health benefits, and various other joint issues. The MOA has a term of July 1, 2023 through June 30, 2027.

This MOA provides for across the board salary increases for the above Union employees as follows:

- Effective July 1, 2023 – 3.5%
- Effective July 1, 2024 – 3.5%
- Effective July 1, 2025 – 3.5%
- Effective July 1, 2026 – 3.5%

All steps for all job classifications within the bargaining unit shall also be increased by the across-the-board increases set forth above, with the exception of AFSCME Local 3914 which will continue to be negotiated.

In addition, AFSCME Local 3914, entered into an MOA providing for a 3.5% increase for a 1 year period effective 7/1/2023 as well as additional compensation of an annual increment, based on length of service.

The Joint MOA also outlines the following significant provisions:

- Compensation – the addition of a 3% additional step effective 7/1/2024
- Health Benefits – enhanced vision and survivor benefits
- Increase minimum wages for certain employees

The fully executed MOA shall be made a part of this authorization and both parties recognize and agree that this MOA represents the entire understanding of parties.

Therefore, approval of this MOA is respectfully requested.

[Joint Issues-Memorandum of Agreement – attached hereto]

[Non-DOT Alcohol and Drug Abuse Policy – attached hereto]

[DOT Drug-Free and Alcohol-Free Workplace Policy – attached hereto]

[Memorandum of Agreement, IFPTE Local 3914 and NJTA attached hereto]

288-11-2023

In a memorandum dated November 17, 2023, **Authorization to Enter into A Memorandum of Agreement with IFPTE Local 194 and the New Jersey Turnpike Authority for a Successor Collective Bargaining Agreement.** was approved.

On November 17, 2023, IFPTE Local 194 and the New Jersey Turnpike Authority entered into a Memorandum of Agreement ("MOA") relative to but not limited to; compensation, pay parity and various other work rules. The MOA has a term of July 1, 2023 through June 30, 2027.

This MOA provides for across the board salary increases for Local 194 employees as follows:

- Effective July 1, 2023 – 3.5%
- Effective July 1, 2024 – 3.5%
- Effective July 1, 2025 – 3.5%
- Effective July 1, 2026 – 3.5%

All steps for all job classifications within the bargaining unit shall also be increased by the across-the-board increases set forth above.

The MOA also outlines the following significant provisions:

- Compensation – Wage and Salary increases for full and part-time Toll Collectors and full-time Janitors
- Pay Parity – for various Local 194 titles

The fully executed MOA shall be made a part of this authorization and both parties recognize and agree that this MOA represents the entire understanding of the parties.

Therefore, approval of this MOA is respectfully requested.

[Memorandum of Agreement, IFPTE Local 194 and NJTA attached hereto]

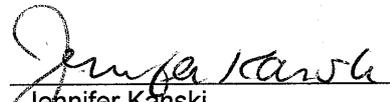
On motion by Treasurer DuPont and seconded by Commissioner Maldonado the Board unanimously approved item numbers 287-11-2023 and 288-11-2023 authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ROLL CALL

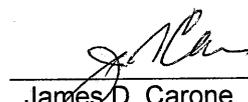
| | | | | | | |
|------|--------|---------|---------|---------|-----------|---------|
| DIAZ | DuPONT | GRAVINO | MINELLA | SALERMO | MALDONADO | BERTONI |
| YES | YES | YES | YES | YES | YES | YES |

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The motion to adjourn was made by Commissioner Minella and seconded by Commissioner Gravino and, after the voice vote, the motion was duly adopted. The Board of Commissioners adjourned the meeting at 10:03 a.m. and advised that the next meeting will be held on Tuesday, December 19, 2023, at 9:00 a.m., in person, with optional telephonic public call in (check the website NJTA.com to get call-in information), at the Authority's headquarters building located at 1 Turnpike Plaza in Woodbridge, New Jersey.



 Jennifer Kanski
 Secretary to the Authority



 James D. Carone
 Executive Director

Date: November 21, 2023

Memorandum of Agreement Regarding Joint Issues between the New Jersey Turnpike Authority and IFPTE Locals 194, 196, chapters 1 and 12, 200 and AFSCME Local 3914

The New Jersey Turnpike Authority (the Authority) and IFPTE Locals 194, 196, Chapters 1 and 2, and 200 and AFSCME Local 3914 (Local Unions), having engaged in negotiations for agreements to succeed the collective bargaining agreements that expired on June 30, 2023, hereby agree to the following terms to be incorporated into the signatory locals' successor collective bargaining agreements:

1. Across-the-board wage increases:¹

- a. July 1, 2023 – 3.5%²
- b. July 1, 2024 – 3.5%
- c. July 1, 2025 – 3.5%
- d. July 1, 2026 – 3.5%

All minimums and maximums shall be increased by the above across-the-boards on the effective dates indicated. Where steps are specified in dollar amounts, those amounts shall also be increased by the above across-the-boards.

2. Additional Step:³

Effective July 1, 2024, an additional step shall be added to the top step of each salary grade, range or scale. The additional step shall be 3% more than the top step of the current grade, range or scale. Employees on the current top step for 12 months or more shall advance to the new step on July 1, 2024. All other employees shall advance from the current top step to the new top step after 12 months on the current top step.⁴ The 3% additional step shall be calculated based on the TOR or maximum step salary after the application of the July 1, 2024 3.5% ATB.

¹ The ATBs for Local 3914 are the subject of a separate MOA.

² The Authority will use best efforts to pay retroactive pay to within 90 calendar days of ratification of an MOA between the Turnpike and a Union.

³ The additional step applies to the unit members of all locals, with the exception of Local 3914. Compensation increases for Local 3914 unit members are the subject of a separate MOA.

⁴ Local 3914 reserves its right to continue to propose a new salary guide, but one with a top rate based on the above proposal. Locals 194 and 200 reserve their right to continue to propose the elimination of a two-tier wage structure for Toll Department employees and to propose other modifications to the salary schedules of Toll Department employees. Local 194 reserves the right to propose modifications to the salary schedules of janitorial employees.

3. Living Wage:

All full-time and part-time employees shall be entitled to earn a "living wage." In this regard, the minimum hourly rate for employees in all bargaining units covered by this agreement shall be increased as follows:

- a. Effective Retroactive to July 1, 2023: \$18.00/hr.
- b. Effective July 1, 2024: \$20.00/hr.
- c. Effective July 1, 2025: Increased by the ATB
- d. Effective July 1, 2026: Increased by the ATB

After application of the annual across-the-board wage increases agreed to by the parties, any employee with hourly wages below the minimum hourly rate set forth above, shall be increased to the applicable minimum hourly rate.

Local 194 and Local 196, Chapter 1 reserve the right to negotiate salary schedules for part-time toll collectors, full-time toll collectors and janitors at their respective local tables.

4. Employee Healthcare Contributions:

Employee Contributions for all health benefit plans shall be calculated based on the contribution rates set forth in the August 17, 2022, Healthcare MOA, which rates shall remain in effect unless modified by mutual agreement.

5. Retiree Health Benefits:

- a. A retiree's surviving spouse and any eligible covered dependent (collectively, the "survivor") shall continue to receive Lifetime Health Benefits after the retiree's death until the survivor's death or ineligibility for coverage, except that in the event the surviving spouse gets remarried, the benefits shall expire upon the date that alternative benefits become available that are not substantially diminished benefits or substantially more expensive to the survivor. If benefits are available as a result of remarriage, it will be presumed that the alternative benefits are neither substantially diminished nor substantially more expensive. To continue coverage, the survivor shall demonstrate to the Authority that the alternative benefits are substantially diminished or substantially more expensive. The Authority's determination shall be final and not subject to challenge through the grievance and arbitration procedure in the applicable bargaining agreement, or any other means. A surviving spouse will have the right to obtain from the Turnpike a decision on whether her/his health benefits will expire if she/he remarries by providing the Turnpike with the benefit plan of her/his perspective spouse.
- b. All retirees that meet the eligibility criteria for, and are receiving Lifetime Health Benefits shall be eligible to receive:

- i. The same dental and vision benefits they received as active employees.
- ii. Reimbursement for the cost of Medicare Part B standard premium.
- c. The Turnpike will pay for the full cost of retiree Lifetime Health Benefits for employees who had at least 15 years of service in the pension system on or before the effective date of Chapter 78 (June 28, 2011). Employees who did not have at least 15 or more years of service in the pension system on or before the effective date of Chapter 78 will pay the percentage of their pension benefit the employee was paying of their base pay as an active employee prior to retirement or 1.5% of their monthly retirement benefit, whichever is less.

6. Open Enrollment:

The Authority shall make the DACH4 Plan available during the 2024 Open Enrollment Period consistent with the November 1, 2023 MOA, to be incorporated herein.

7. Meal Allowance:

For any employee that is currently entitled to a meal allowance under \$21.00, increase the meal allowance to \$21.00. No change to criteria for entitlement to meal allowance.

8. Uniform Allowance:

For any employee that is currently entitled to a uniform allowance, increase annual uniform allowance by \$25.00. No change to criteria for entitlement to uniform allowance. (Applicable to Local 196-1 and Local 200).

9. Boot/Shoe Allowance:

For any employee that is currently entitled to a Boot/Shoe allowance, increase the annual amount of the allowance by \$25.00. No change to the criteria for entitlement to the Boot/Shoe allowance or to the current practice as to how the allowance is paid.

10. Layoffs:

- a. In the event that the Authority determines that layoffs are necessary for any reason, the Authority shall provide at least 60 days' notice of layoffs to the Union and to the impacted members. Notice to the union shall include the reason(s) for the layoff, the positions to be eliminated, if any, and the names and titles of employees to be laid off. If the layoff is for fiscal reasons the Authority shall provide the Unions with financial information, upon request, that enables the Unions to propose layoff alternatives. This provision shall not be subject to the parties' Grievance Procedure.
- b. Upon written request of the Union, the Authority will meet with the Union and discuss alternatives to layoffs, including placing impacted employees in vacant positions for which they are qualified, and any other measures to reduce or

11-15-2023 Final Joint Union MOA

eliminate the need for layoffs. Absent an agreement between the parties, however, the Authority's decision regarding the layoff(s) and alternatives to layoffs shall be final and not subject to the Grievance Procedure.

- c. In the event that following negotiations over alternatives to layoffs, some unit members will be laid off, layoffs will be in reverse order of seniority within job classification. Employees that are to be laid off will also have the right to bump into a previously held lower job classification.

11. Toll Department Transition:

The Turnpike and the applicable union, in conjunction with each toll employee, shall develop an Employee Transition Plan ("ETP") to minimize the risk of job loss as the result of the implementation of electronic tolling. Each ETP shall: (a) identify potential positions, if any, outside of the Toll Department into which an employee can be placed, and (b) specify the training, the qualifications, and the apprenticeship programs, if any, that are suitable for the employee, and which will provide them with the necessary skills to be placed in the identified positions. ETPs for Toll employees shall be completed prior to June 30, 2024.

12. Return Privatized Work:

1. As soon as practicable following ratification, but not later than 60 days following ratification, the parties will meet and discuss the circumstances of a pilot program under which line striping and guardrail work can be performed by employees in the appropriate bargaining unit. The discussion will include identifying the safety measures and training that will be required before any bargaining unit employees perform this work. The discussion will also take into account the cost of any equipment that the Turnpike will need in order for this work to be performed by Turnpike employees in appropriate bargaining units.
2. The Turnpike will use best efforts to implement a pilot program to return some of the line striping and guardrail work currently performed by outside vendors to bargaining unit employees by July 1, 2024. The unions agree not to grieve whether the Turnpike used best efforts to return some of the line striping and guardrail work to bargaining unit employees.
3. Following one year of the pilot program, the Authority agrees to assess the effectiveness of the program and the extent to which additional white line striping and guardrail work should be performed by the employees in the appropriate bargaining unit. The parties shall also discuss the return of other subcontracted work on a pilot basis, including, but not limited to electrical, plumbing, air conditioning and automotive work. The Authority shall solicit the input of the unions as to the effectiveness of the pilot program.

13. Emergency Declaration: Increase the \$100 Emergency Bonus to \$125.

11-15-2023 Final Joint Union MOA

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14. Drug and Alcohol Testing: See attached: (a) Non-DOT Alcohol and Drug Abuse Policy, and (b) DOT Drug-Free and Alcohol-Free Workplace Policy.

15. Eye Exams and Corrective Lenses: Increase coverage for out-of-network benefits in the Non-HMO Vision Plan (VISD3) as follows:

- a. Single Lenses: Increase from \$100 to \$125
- b. BiFocal Lenses: Increase from \$110 to \$135
- c. TriFocal Lenses: Increase from \$125 to \$150
- d. Contact Lenses: Increase 12-month supply from \$185 to \$210.

16. Bereavement Leave:

Effective January 1, 2024, the Authority agrees to pay a bereavement day based on the number of straight time hours that the employee would have worked on the shift (if employee was scheduled to work a 10-hour shift, he/she will receive 10 hours of paid bereavement leave). However, no employee shall receive more than a total of 40 hours of paid bereavement leave for any one relative's death. Nothing herein shall be interpreted to alter or change the number of bereavement days available to employees per event of bereavement, as set forth in the applicable collective bargaining agreement.

17. Discipline Hearings:

Effective January 1, 2024, the Authority will comply with the 20-day timeframe to schedule Step 2 disciplinary hearings 100% of the time. The Authority agrees to make best efforts to maintain a panel consisting of an adequate number of hearing officers, who shall serve as the hearing officer for Step 2 disciplinary appeals. If this timeframe is not complied with on two or more occasions within any calendar year, the Authority's Executive Director or designee and the Local Union shall meet to address the Turnpike's failure to adhere to time limits. The meeting will be held within ten (10) days of a request by any union. Within five (5) days following the meeting, the Executive Director or designee shall issue a directive to the Director of Human Resources that sets forth the steps to ensure compliance with time limits. If, during the six months following the issuance of the directive on two or more occasions the Authority fails to adhere to the contractual 20-day time limit for discipline hearings, the Authority and the Unions shall reopen negotiations over how to ensure compliance with contractual timeframes for disciplinary hearings.

19. Continued bargaining to finalize separate local union agreements:

The signatory unions and the Authority will continue to negotiate over open issues at separate tables, following the execution of this MOA. Upon final agreement on the open issues at separate tables, each local union will submit the entire agreement, this Joint MOA and the MOAs reached to separate tables to their members for ratification.

11-15-2023 Final Joint Union MOA

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On behalf of Local 194

On behalf of the Turnpike Authority





Dated: 11/15/23

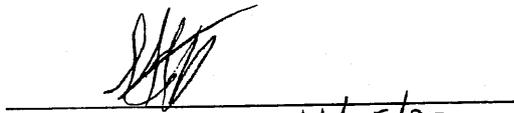
Dated: 11/15/2023

On behalf of Local 196, Chapter 1



Dated: 11-15-2023

On behalf of Local 196, Chapter 12

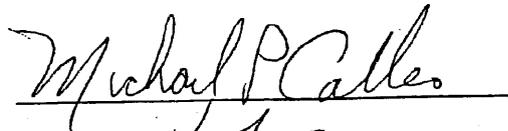


Dated: 11/15/23

On behalf of Local 196, Chapter 1

Dated:

On behalf of Local 200



Dated: 11/15/23

On behalf of Local 3914



Dated: 11.15.2023



PERSONNEL POLICIES & PROCEDURES GUIDE

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| APPLIES TO: <input checked="" type="checkbox"/> Executives <input checked="" type="checkbox"/> Management <input checked="" type="checkbox"/> Supervisors <input checked="" type="checkbox"/> Professionals | | DISTRIBUTION: All NJTA Employees | SECTION: 308 |
| <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Non-Union <input checked="" type="checkbox"/> OCT <input checked="" type="checkbox"/> Operating | | PAGE 1 OF 6 | |
| EFFECTIVE: | APPROVED: | Approved at Commission Meeting of: | |
| POLICY Alcohol and Drug Abuse | | | REV: 9/19/23 |

1.0 PURPOSE

The New Jersey Turnpike Authority (the "Authority") is committed to providing a safe, healthy, and productive workplace that is free from alcohol and unlawful drugs as classified under local, state, or federal laws while employees are working on Authority premises (either on or off duty) and while operating employer-provided vehicles. Employees that work while under the influence of drugs or alcohol pose a safety risk to themselves and others. In furtherance of this commitment, we have established an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

The Authority takes reasonable measures to ensure that employee alcohol or drug use does not jeopardize the success of its operations, nor otherwise affect the Authority, its employees, or its patrons. Our drug-free workplace policy is intended to apply whenever anyone is representing, acting on behalf of, or conducting business for the Authority, and/or on the Authority's premises. Therefore, this policy applies during all working hours, whenever conducting business or representing the Authority, while on Authority property, while operating, navigating, or physically controlling Authority property, including use of Authority-owned vehicles, and/or at Authority-sponsored events or activities.

In furtherance of this commitment, job applicants and current employees may be requested or required to submit to drug and alcohol testing in certain situations described in Section 2.0. This policy is intended to comply with applicable laws regarding drug and alcohol testing and current and prospective employee privacy rights.

Employees in safety-sensitive positions and/or subject to the federal Department of Transportation guidelines should refer to the Authority's Department of Transportation Drug-Free and Alcohol-Free Workplace Policy.

Prior to the effective date of this policy, the Authority shall provide mandatory training to all employees related to this policy, and shall provide periodic training to all employees following implementation. The Authority shall also provide training on this policy for all new employees upon their hire. This mandatory training shall occur during the employee's regular working hours without loss of pay. A copy of all materials shall be provided to each employee and to the applicable unions.

2.0 POLICY

It is a violation of our alcohol and drug-free workplace policy to use, be under the influence of, manufacture, possess, distribute, sell, trade, and/or offer for sale alcohol, substances and/or intoxicants that are illegal as per applicable federal, state, and/or local law at the workplace. Except for legally prescribed medications, employees who possess, use or distribute these items while on Authority premises or during work hours or meal breaks or while representing, acting on behalf of, or conducting business for the Authority, shall be subject to disciplinary action, up to and including termination, and any of these items that are confiscated may be turned over to local law enforcement authorities for their prosecutorial use. This includes all forms of narcotics, depressants, stimulants, hallucinogens and marijuana. The Authority will discipline, up to and including termination, any employee who uses, possesses, manufactures or distributes controlled dangerous substances in violation of this policy. **If you seek an accommodation of this policy due to a medical**

PERSONNEL POLICIES & PROCEDURES GUIDE

condition, please contact Human Resources/Medical Section.

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| APPLIES TO: Executives Management Supervisors Professionals | Union Non-Union OCT Operating | DISTRIBUTION: All NJTA Employees | SECTION: 308 PAGE 2 OF 6 |
| EFFECTIVE: | APPROVED: | | Approved at Commission Meeting of: |
| POLICY Alcohol and Drug Abuse | | | REV:11/2020 |

Employees must report to work in a fit condition for duty. Being under the influence of drugs and/or alcohol is prohibited. It shall be a violation of this policy to refuse to submit to drug and/or alcohol testing or to fail to complete drug and/or alcohol testing when directed to do so under Section 3.0 of this policy. Any employee who violates this policy shall be subject to disciplinary action, up to and including termination. Discipline and/or termination for any violations of this policy shall be subject to the discipline/grievance procedures of the applicable collective negotiations agreements.

Employees should be aware that alcohol and drugs may remain in an individual's system for a period of time after use of the substance. When an employee is tested for drugs in accordance with this Policy, any drug that is detected at a level in excess of the applicable threshold shall be deemed a positive drug test.

Definitions:

For purposes of this policy:

- "alcohol" means an alcoholic or other substance containing alcohol that could impair an employee's judgment.
- "drug-free" means being free from any substance that is illegal pursuant to applicable federal, state, and/or local law or any other substance which may impair an employee's judgment.

Prescription Medication:

Employees are prohibited from reporting to work or performing any job functions for the Authority while under the influence of any substance which may impair an employee's judgment, including legally prescribed prescription medication. An employee shall be required to disclose the use of prescription drugs to the Medical Section prior to performing any work for the Authority in the following circumstances: (a) The employee is taking prescription medication listed on the panel of drugs set forth in Section 3.0, subsection (g) of this Policy, or (b) The employee is taking a prescription medication not listed on the panel of drugs set forth in Section 3.0, subsection (g) of this Policy, but where a reasonable person taking such medication would have an objective reason to believe that the medication could interfere with the individual's ability to safely perform the functions of that employee's job. The Medical Section is required to maintain the confidentiality of any information regarding an employee's medical condition.

Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited and may subject the employee to discipline up to and including termination.

Alcohol:

Alcoholic beverages are not to be brought onto Authority premises nor consumed there at any time. Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

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| APPLIES TO: Executives Management Supervisors Professionals | Union Non-Union OCT Operating | DISTRIBUTION: All NJTA Employees | SECTION: 308 PAGE 3 OF 6 |
| EFFECTIVE: | APPROVED: | Approved at Commission Meeting of: | |
| POLICY Alcohol and Drug Abuse | | | REV: 11/2020 |

3.0 DRUG AND ALCOHOL TESTING

a. The Authority may conduct drug or alcohol testing: (1) Pre-Employment, (2) for Reasonable Suspicion, (3) Re-Classification from a part-time to a full-time position, or (4) pursuant to the terms of any agreements reached between the Authority and the applicable union as to a particular employee. For any drug testing under this Policy, the Authority shall comply with the procedures set forth in Attachment 1. The Authority shall test for drugs listed in subsection (g) below.

Reasonable Suspicion Testing

b. When the Authority has reasonable suspicion, as defined in subsection (c) below, to believe that an employee is under the influence of alcohol or drugs while on duty, such employee shall be required to report to an Authority-designated physician or medical clinic on Authority time at Authority expense for a fitness-for-duty examination. This examination will involve appropriate alcohol and/or drug testing, including possible urine screens as determined by a physician or clinic.

c. Reasonable suspicion shall be determined based on the behavior or demeanor of the employee, and/or an objective belief by the supervisor that the employee's ability to perform their job duties is impaired. This shall be initially determined by a supervisory employee, and also confirmed by a second supervisory employee, both of whom are trained to identify the behaviors associated with impairment based on drug or alcohol use. Reasonable suspicion shall be documented in a Reasonable Suspicion Observation Report, and determined based on objective factors, including but not limited to: the employee's work performance, physical appearance, behavior, speech, and body odors, and/or actions or circumstances causing a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use. Supervisors who observe behavior constituting reasonable suspicion are required to notify their Director or the Director's designee and a Safety Manager.

d. If an employee is required to submit to drug and/or alcohol testing based upon a reasonable suspicion of being under the influence of drugs or alcohol, the employee shall be suspended without pay pending the Authority's receipt of the results of a drug and alcohol test from the testing facility and any other information the Authority may require to make an appropriate determination.

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| APPLIES TO: Executives Management Supervisors Professionals | Union Non-Union OCT Operating | DISTRIBUTION: All NJTA Employees | SECTION: 308 PAGE 4 OF 6 |
| EFFECTIVE: | APPROVED: | | Approved at Commission Meeting of: |
| POLICY Alcohol and Drug Abuse | | | REV: 11/2020 |

Consequences for Refusing to Submit to Testing or Failing to Complete the Test:

An employee that refuses to submit to testing that is required under this Policy, or that fails to complete the test shall be treated the same as an employee that received a positive test result as set forth above. In addition, employees who refuse to submit to testing will be sent home without pay.

Employee Assistance Program:

The Authority encourages all employees to voluntarily seek help with drug and alcohol problems. The Authority also recognizes that drug and alcohol addiction are serious illnesses and that employees who suffer from such addictions may qualify as persons with disabilities under the Americans with Disabilities Act and the New Jersey Law Against Discrimination. Accordingly, the Authority will treat alcohol and drug addiction as it does other disabling conditions, and will assist employees in seeking medical treatment, rather than simply initiate discipline for conduct that is the result of an addiction. Employees who enter a treatment program may be eligible for disability leave.

The Authority provides an employee assistance program (EAP) for all employees and eligible family members. The EAP is designed to help individuals manage personal problems that can impact their well-being and work performance. Seeking assistance for such a problem prior to being notified that a screening test is to be administered pursuant to this policy will not subject an employee to discipline, whereas continued performance, attendance or behavioral problems, or a violation of this policy will. An employee who utilizes the EAP to seek drug or alcohol rehabilitation may be eligible for an unpaid leave of absence, which shall run concurrently with the employee's leave entitlement under the Family Medical Leave Act and/or the New Jersey Family Leave Act. During leave under this policy, the employee shall provide the Authority with written notification from a medical provider on the status of the employee's ability to return to work after every 30 days. The maximum length of a leave of absence that will be provided to any employee under this Section shall be six (6) months, except where an employee is using their own accrued time from the outset of the leave of absence, in which case the employee will be permitted to take a paid leave of absence until all of their accrued time has been utilized. No employee, however, may utilize accrued leave time to extend a leave of absence beyond 6 months when the employee took any portion of the first six months of the leave of absence as unpaid. Any employee still unable to return to work after this six (6) month period (or, if applicable, after the extended leave of absence described above) may be terminated by the Authority, unless an additional leave is required by applicable law. The EAP is available for consultation or referral. The EAP will coordinate all services with the Medical Department. For more information about the EAP, contact the Director of Human Resources or designee at 732-750-5300.

Pre-Employment Drug Screening:

All conditional offers of employment with the Authority are conditioned on the applicant submitting to and successfully completing and passing a drug and alcohol test in accordance with the testing procedures described in this policy (see Attachment 1). **Under no circumstances will a drug or alcohol test be administered before a conditional offer of employment is made.**

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The Medical/Health Section of the Human Resources Department shall initiate and administer the testing and review of a substance multi-panel test by an experienced and reputable Laboratory and Medical Review Officer.

To the extent permitted by law, except as provided below, a positive reading shall be cause for the Authority to deny employment. Any such rejection shall be appealable to the Executive Director.

Accommodations:

If you seek an accommodation of this policy due to a medical condition, please contact Human Resources/Medical Section.

Prohibition of Cannabis Use In the Workplace:

The Authority will not refuse to hire or employ an individual, bar or discipline an individual from employment, require any individual to retire from employment, or discriminate against any individual in compensation or in any terms, conditions, or privileges of employment based solely upon the presence of cannabinoid metabolites in the employee's bodily fluid as a result of engaging in conduct permitted under N.J.S.A. 24:6I-31, *et al.* However, nothing in this Policy shall be interpreted to limit the Authority's right to maintain a drug free workplace consistent with the requirements of N.J.S.A. 24:6I-52.

The Authority reserves the right to take appropriate action in accordance with this Policy, up to and including termination, where the Authority has documented Reasonable Suspicion, as defined by Section 3.0 of this Policy, that the employee is impaired during working hours, while conducting business or representing the Authority, while on Authority property, while operating, navigating, or physically controlling Authority property, including use of Authority-owned vehicles, and/or at Authority-sponsored events or activities

As used in the Procedure to Administer Pre-Employment Drug Test below, "health care practitioner" means a physician, advanced practice nurse, or physician assistant licensed or certified by the State of New Jersey, who (1) possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the New Jersey Department of Law and Public Safety; and (2) is a health care practitioner responsible for the ongoing treatment of the employee's qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided, however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultation solely for that purpose.

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Confidentiality:

All information received by the Authority through the drug-free workplace program is confidential communication. All results of drug tests are confidential and will be kept in files separate from the employee or applicant's work or personnel file. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Administration of this Policy:

The Authority expressly reserves the right to change, modify, or delete the provisions of this Alcohol and Drug Abuse Policy, must provide notice of intent to make any such changes to the Union, and must negotiate all mandatory and/or permissively negotiable aspects of the proposed changes, to the extent permitted by applicable law. The Human Resources Department is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about drug testing in the workplace that are not addressed in this policy, please contact the Human Resources Department.

Employees Subject to Federally Mandated Controlled Substances Testing

For all employees who are covered by the New Jersey Turnpike Authority's Department of Transportation Drug-Free and Alcohol-Free Workplace Policy, to the extent there is an inconsistency between these policies, the Authority's Department of Transportation Drug-Free and Alcohol-Free Workplace Policy applies.

Enforcement of this Policy

This policy may be enforced through the grievance/arbitration procedures in the applicable collective negotiations agreements between the Turnpike Authority and a union.

DRUG TESTING PROCEDURES

No pre-employment drug test shall be administered before a conditional offer of employment is made.

The following procedures shall apply to all drug testing conducted pursuant to this Policy:

1. The applicant/employee shall execute a waiver, prior to administering the required physical examination, authorizing the taking of the designated specimen, the testing of the specimen, the releasing of the results to the Medical/Health Section of the Human Resource Department.
2. An appropriate urine specimen shall be secured by the Medical/Health Section of the Human Resource Department in accordance with the requirements of the designated Laboratory and Medical Review Official contracted by the Human Resource Department.
3. The point of collection at which the specimen is drawn shall be appropriately secured to ensure the integrity of drawing of the specimen.
4. The applicant/employee shall furnish the specimen in privacy, unless the Medical/Health employee administering the test shall have reason or cause to believe that the integrity of the specimen may be compromised. In that event, the Medical/Health employee or designee shall be present during the securing of the specimen. In all circumstances, the Authority will strive to implement a testing procedure that allows as much privacy and dignity as is practicable under the circumstances, and in compliance with applicable laws.
5. Upon securing the specimen, the Medical/Health employee administering the test, shall immediately secure and mark the specimen in accordance with the requirements of the Laboratory and Medical Review Officer's standards. The specimen shall be split into two samples (Sample A and Sample B). Said specimen (both samples) shall be initialed by both the medical/health employee and the applicant/employee.
6. The Medical/Health employee administering the test shall ensure the integrity of the chain-of-custody and must document the securing and delivering of the specimen in accordance with the procedures established by the Laboratory and Medical Review Officer. Sample A shall be sent, while the Medical/Health department shall hold onto Sample B.
7. After the required testing by the Laboratory and review of the Medical Review Officer, and upon receipt of a positive result, the Senior Nurse of the Medical/Health Section of the Human Resource Department shall notify both orally and in writing by Certified Mail/Return Receipt Requested, the positive result to the applicant/employee.
8. If the Test Result is Positive for a Substance: Any applicant/employee so notified shall have (7) seven calendar days from oral notification of his/her right to have Sample B from the original specimen sent for retesting at the Medical/Health facility at the expense of the Authority. If the 7th day falls on a weekend or holiday, the time period shall be extended to the next work day. Failure to exercise the right of re-testing within the (7) seven days, will bar the applicant/employee from further re-testing. The positive result, thereafter, shall be deemed conclusive.
9. In the event that a second test shall prove negative, said negative findings shall render any previous positive result null and void and shall be deemed conclusive.

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10. All results received in accordance with the procedures established herein, shall be confidential, sealed and retained exclusively by the Medical Section of Human Resources, the Safety Section, and the HR Department, and maintained separately from the individual's personnel file.
11. An applicant denied employment as a result of such a positive reading shall be allowed to reapply to be tested as then required for employment after the elapse of twelve (12) months.
12. Any individual seeking an accommodation to any part of this Procedure shall contact Human Resources/Medical Section.

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Alcohol and Drug Testing of Employees:

- e. When any existing employee is subject to an alcohol or drug test pursuant to this Policy:
- **Positive Test:** If the results of the drug or alcohol test are positive, the employee shall be subject to disciplinary action up to and including termination. To the extent the Authority uses its discretion not to terminate the employee, the employee, at a minimum shall be: (a) suspended for 30 days without pay (inclusive of any days that the employee was already suspended while the test results were pending), and (b) required to enter the Employee Assistance Program (EAP) until the employee successfully completes the EAP and is deemed fit for duty for duty by a medical professional. In determining the appropriate discipline for a positive test, the Authority shall consider whether the employee has had a previous positive test. However, a single relapse after prolonged abstinence shall be considered a mitigating factor in determining the appropriate level of discipline.
 - **Negative Test Result:** If the results of the drug or alcohol test are negative, the Authority shall reimburse the employee for all time that the employee was suspended without pay and reinstate the employee immediately.
- f. Regardless of the results of the alcohol or drug test, the Authority reserves the right to use its discretion to discipline/terminate the employee for the underlying conduct that resulted in reasonable suspicion in lieu of, or in addition to requiring a drug/alcohol test.
- g. Safety Managers are qualified and can perform alcohol testing. All drug testing shall be conducted only by an experienced and reputable laboratory. Screening shall test for presence of alcohol, and substances in multi-panel test, including the following:
- Amphetamines (including methamphetamine, MDMA, and methylenedioxyamphetamine (MDA)),
 - Barbiturates, including amobarbital, butalbital, pentobarbital, phenobarbital, and secobarbital.
 - Cocaine Metabolites
 - Opiates (including morphine, heroin, codeine, hydromorphone, and hydrocodone)
 - Oxycodones (including oxymorphone and oxycodone)
 - Phencyclidine (PCP),
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I. INTRODUCTION

New Jersey Turnpike Authority (the "Authority") recognizes that serious health and safety problems may result at home or work from the illegal use of controlled substances (drugs) and the misuse of alcohol. The dangers faced by our employees and the public at large is even more significant when employees in the transportation industry use illegal drugs or alcohol. In order to meet its commitments to the citizens of New Jersey, the motoring public and the Authority's employees, and pursuant to the Regulations promulgated by the United States Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA), it is essential that the Authority operates in an alcohol and drug free environment, and that Authority employees engaged in safety-sensitive functions be free from the effects of alcohol and other mind altering substances. Accordingly, it is the policy of the Authority to maintain a work environment free of drugs and alcohol. Employees who violate this Policy are subject to the consequences listed in Section VIII of this Policy.

This Policy applies to all new and current employees who perform, or can be called upon to perform, safety-sensitive functions as defined under the DOT and FMCSA regulations. Such employees must comply with this Policy as a condition of their employment or continued employment. Employees subject to this Policy include:

- All employees of the Authority who are required to possess a Commercial Driver's License (CDL) and operate a Commercial Motor Vehicle (CMV);
- All supervisors of a CDL employee;
- All employees who possess a CDL who drive on a voluntary basis; and
- All employees who are otherwise performing a Safety Sensitive Function.

All employees covered under this Policy are required to participate in the Authority's drug/alcohol awareness program, which will provide information on the dangers of drug and alcohol abuse, the Authority's Policy regarding drugs and alcohol, the consequences for violating this Policy, and available drug and alcohol counseling, rehabilitation, and Employee Assistance Programs (EAPS) in the community. The Authority's primary Designated Employer Representative (DER) is Paul Butrico, Manager, Safety Program Administration, who may be contacted at mailing address P.O. Box 5042, One Turnpike Plaza, Woodbridge, NJ 07095, by email at pbutrico@njta.com., or by telephone at 732-750-5300 Ext. 8361. If he is not available, the Authority's secondary Designated Employer Representative is Robert Weissman, MS, CSP, Safety Manager, who may be contacted at the same mailing address as above, by telephone at (732) 750-5300 Ext. 8360, or by email at rweissman@njta.com. **IF YOU HAVE ANY QUESTIONS REGARDING THIS POLICY, CONTACT A DESIGNATED EMPLOYER REPRESENTATIVE.**

If there is a conflict between this policy and any collective bargaining agreement (CBA), the provisions of the CBA shall control and prevail for the employees represented by a union to

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whom the corresponding CBA applies. Employees represented by a union are not eligible for the benefits described throughout this policy unless the applicable CBA makes them eligible for those benefits.

Note that this Policy's terms are more restrictive than the Authority's General Alcohol and Drug Abuse Policy, and where there is an inconsistency between this Policy and the General Alcohol and Drug Abuse Policy, this Policy controls for employees to whom this Policy applies.

II. PURPOSE, AUTHORITY & DEFINITIONS

This Policy is intended to comply with all applicable federal and state statutes and regulations governing drugs and alcohol in the workplace, including, but not limited to, the following: the U.S. Department of Transportation (DOT) Regulations (49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs; 49 C.F.R. Part 382: Federal Motor Carrier Safety Administration Controlled Substances and Alcohol Use and Testing); and the Drug-Free Workplace Act. This Policy is also designed to set forth reasonable steps to ensure the safety of customers, employees, and the public; to ensure that no Authority employee performs work for the Authority or is on the Authority's property or the property of any customer, or contractor/subcontractor while using or impaired by drugs or alcohol, as defined in this Policy, and to encourage employees to seek counseling and treatment for drug or alcohol abuse.

Definitions – There are many terms defined throughout this Policy. In addition, please see Appendix A for a non-exhaustive list of the definitions of commonly-used words or terms, including but not limited to: Commercial Motor Vehicle (CMV), Driver, Refuse to submit (to an alcohol or controlled substances test), Safety-sensitive or Safety-sensitive functions or Safety-sensitive duties, and Performing a safety-sensitive function.

III. PROHIBITIONS AND DISCLAIMERS

A. PROHIBITED ITEMS, SUBSTANCES & ACTS

Employees are strictly prohibited from doing any of the following:

- Using, transferring, transiting, possessing, selling, purchasing, manufacturing, or distributing any unauthorized drugs, including illegally used or abused prescription drugs; any drugs that are illegal pursuant to applicable state, federal, or local law; or alcohol, at any time while on the Authority's property, or while on duty with the Authority, or during working hours, or while operating the Authority's equipment or vehicles, or while being in physical control of the Authority's equipment or vehicles, or while performing safety-sensitive functions;
- Using alcohol within four (4) hours of reporting for service, going on duty, or

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operating, or being in physical control of a CMV;

- Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or greater or when using drugs prohibited by this Policy;
- Using alcohol for eight (8) hours following an accident requiring the driver to take a post-accident alcohol test, or until he/she undergoes the post-accident alcohol test, whichever occurs first;
- Refusing to submit to a test required by this Policy or applicable law;
- Refusing to submit to a test by adulterating or substituting your specimen;
- Reporting for duty or remaining on duty after testing positive or having adulterated or substituted a test specimen for controlled substances;
- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee uses any drug or substance identified in 21 CFR 1308.11 Schedule I;
- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the employee uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in Appendix A, who is familiar with the employee's medical history and has advised the employee that the substance will not adversely affect the employee's ability to safely operate a commercial motor vehicle..

For purposes of this Policy, on-duty time includes all time from the time an employee begins to work or is required to be ready to work until the time he/she is relieved from work and all responsibility for performing work, when the work is related to safety-sensitive functions, which include: (1) all time at a carrier or shipper plant, terminal, facility, or other property, or on public property, waiting to be dispatched; (2) all time inspecting, servicing or conditioning any equipment; (3) all driving time (time spent at the driving controls of a CMV in operation); (4) all time, other than driving time, in or upon any CMV; (5) all time loading or unloading a vehicle, or supervising or assisting the loading or unloading; (6) all time spent performing the driver requirements related to accidents; (7) all time repairing, obtaining assistance, or remaining in the presence of a disabled vehicle; and (8) all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by the regulations.

The items and substances covered by this Policy include:

1. All substances prohibited by the DOT, including drugs that are illegal under applicable federal, state, or local law, controlled substances, "designer

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drugs,” inhalants, prescription drugs that have not been authorized as set forth below. This includes marijuana metabolites, cocaine metabolites, amphetamines, methamphetamine, opioids, phencyclidine (PCP), codeine, morphine, hydrocodone, hydromorphone, oxycodone, oxymorphone, 6-acetylmorphine (heroin), methamphetamine, MDMA, and MDA. Some brand names for the semi-synthetic opioids covered under this policy include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®.

2. All substances identified in 21 C.F.R. 1308.11 Schedule I, including, but not

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limited to, opiates, opium derivatives, hallucinogenic substances, depressants, stimulants, cannabimimetic agents.

3. All substances identified in 21 C.F.R. 1308.12 Schedule II, 1308.13 Schedule III, 1308.14 Schedule IV, and 1308.15 Schedule V, except when the use is pursuant to the instructions of a licensed medical practitioner (a person who is licensed, certified, and/or registered, in accordance with applicable laws and regulations, to prescribe controlled substances and other drugs), who is familiar with the employee's medical history and has advised him/her that the substance will not adversely affect the driver's ability to safely operate a CMV. See Section III.B of this Policy.
4. Equipment, paraphernalia, or other items or material related to illegal drug use or substance abuse.
5. Any substance containing alcohol, including, but not limited to alcoholic beverages, ethyl alcohol, prescriptions or over-the-counter medications containing alcohol, liquor-filled chocolates or candies, and/or other low molecular weight alcohols, including methyl and isopropyl alcohol.
6. Prescription drugs, except as provided in Section III.B. of this Policy.

B. MEDICAL CANNABIS (MARIJUANA) DISCLAIMER

While the use, possession and consumption of cannabis (marijuana) may have been legalized under state law for certain purposes, including certain medical purposes, it remains illegal under federal law and covered by this Policy. Federal laws and policies do not recognize any legitimate medical use of marijuana. Thus, even if marijuana is legally prescribed in a state, DOT regulations treat its use the same as the use of any other illicit drug.

C. REFUSAL TO SUBMIT TO A TEST

For purposes of this policy, refusal to submit to a test means that an employee:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Authority, consistent with applicable DOT agency regulations, after being directed to do so by the Authority and/or applicable law or regulations;

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(2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

(3) Fails to provide a urine specimen for any drug test required by this policy, DOT regulations, or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;

(5) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(6) Fails or declines to take a second test that the Authority or the collector has directed the employee to take;

(7) Fails to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process, or as directed by the Designated Employer Representative. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(9) Is reported by the Medical Review Officer as having a verified adulterated or substituted test result.

(10) For alcohol testing, refusal to submit to a test is:

- Failure to appear for any test after being directed to do so by the Authority.
- Failure to remain at the testing site until the testing process is complete.
- Failure to sign Step #2 of the ATF
- Failure to provide a breath sample for any test required by federal regulations.
- Failure to provide a sufficient breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to undergo a medical evaluation as part of "shy lung" procedures.
- Failure to cooperate with any part of the testing process.

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B. OVER-THE-COUNTER & PRESCRIPTION DRUGS

Nothing in this Policy is intended to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform the Medical Section of Human Resources if they believe the medication will impair their job performance, safety, or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. For more information on how to request a reasonable accommodation, please refer to the Authority's Nondiscrimination/Harassment/Retaliation Policy and Procedures.

Employees may use or maintain prescription drugs on the Authority's premises or during on duty time, provided the following conditions have been met:

1. The drugs have been prescribed by a licensed medical practitioner who is familiar with the employee's medical history;
2. The drugs have been prescribed for the person in possession of the drug;
3. The drug is used at the dosage prescribed or authorized;
4. The drugs are kept in their original container; and
5. The prescribing medical practitioner has advised the employee, in writing, that the drug at the prescribed or authorized dosage level is consistent with the safe performance of the employee's duties, or in other words does not adversely affect the employee's ability to perform safety sensitive functions, including driving a CMV. Such written opinion must be maintained by the employee in the event the Authority requires later proof that the employee was advised by his/her physician that taking the prescribed medication would not prevent him/her from safely performing his/her job functions. If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.

IV. ENFORCEMENT

A. Supervisor Responsibilities:

1. All supervisors and managers are responsible to enforce this policy and to maintain

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a commitment to operate in a drug and alcohol-free work environment. Any employee seeking assistance from the supervisor or manager for a drug and/or alcohol abuse problem will be referred to the Department of Human Resources and/or Employee Assistance Program (EAP) personnel.

2. The Safety Department will ensure that Safety-sensitive Employees are tested consistent with Federal regulations and this Policy. No supervisor or manager shall knowingly permit an employee to perform or continue to perform Safety-sensitive Functions, where the supervisor has knowledge that the employee:
 - (a) is using alcohol while performing safety-sensitive functions;
 - (b) has used or consumed Alcohol in the previous four hours;
 - (c) has an alcohol concentration of 0.02 or greater;
 - (d) has used a controlled substance, as that term is defined in Section III of this Policy, in accordance with DOT regulations.

3. Any supervisor or manager who has received information from or about an employee who has been formally charged with a violation of, and/or criminal conviction (including a plea of no contest) of any criminal drug statute, or any legal action taken in connection with an illegal substance, must report such information to the Division of Human Resources within one business day of the notification.

4. Any supervisor or manager who has received information from or about an Employee-Driver who has an impending loss of license; including those stemming from citations and/or arrests involving drugs and/or alcohol (e.g. Driving Under the Influence), must report such information to the Department of Human Resources as soon as possible but not later than within one business day of the notification.

5. All persons who supervise drivers affected by this policy shall undergo a minimum of two (2) hours of class-room training. The training shall minimally include 60 minutes of alcohol misuse, including detecting and recognizing the physical, behavioral, speech, and performance indicators of probable alcohol misuse, particularly those associated with lower concentrations of alcohol; and 60 minutes of training for the detection and recognition of controlled substances use.

6. When a trained supervisor or other trained Authority official has reasonable suspicion that a covered employee may be under the influence of alcohol or a controlled substance, he or she shall adhere to the procedures in Section VI.B of this policy.

7. No employer may allow, require, permit or authorize an employee to perform any safety-sensitive function, including operating a commercial motor vehicle, during any period in which the supervisor determines that an employee is not in compliance with the return-to-duty requirements in this policy, after the occurrence of any of the following events:

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- (a) The driver receives a positive, adulterated, or substituted drug test result conducted under this policy.
- (b) The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration conducted under part 40 of this title.
- (c) The driver refused to submit to a test for drugs or alcohol required under this part.
- (d) The driver used alcohol prior to a post-accident alcohol test in violation of this policy.
- (e) An employer has actual knowledge, as defined in this policy, that a driver has:
 - (1) Used alcohol while performing safety-sensitive functions;
 - (2) Used alcohol within four hours of performing safety-sensitive functions; or
 - (3) Used a controlled substance, in accordance with DOT regulations.

8. UNDER NO CIRCUMSTANCES SHOULD AN EMPLOYEE WHO IS SUSPECTED OF BEING UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL BE PERMITTED TO DRIVE, AND THE AUTHORITY SHALL PROVIDE TRANSPORTATION TO THE TESTING FACILITY AND/OR TO THE EMPLOYEE'S RESIDENCE AS THE AUTHORITY DEEMS APPROPRIATE AND IS WITHIN REASON.

9. Penalties:

- (a) Notwithstanding any other provisions set forth in the Policy, any employee who violates any provision of this Policy, or who returns a positive test result for alcohol and/or controlled substance use, is subject to disciplinary action, up to and including termination.

The Authority is committed to providing the best possible service and products to our customers and a safe, drug/alcohol-free workplace for our employees. The Authority will not allow, require, permit or authorize an employee to perform safety-sensitive functions, including operating a CMV, after the occurrence of any of the following events:

- A. The employee receives a positive, adulterated, or substituted drug test result;
- B. The employee receives an alcohol confirmation test result of 0.02 or higher alcohol concentration;
- C. The employee refuses to submit to a test for drugs or alcohol;
- D. The employee used alcohol prior to a post-accident alcohol test;

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E. The Authority has actual knowledge – based on direct observation of an employee using alcohol or controlled substances, or on information provided by the employee’s previous employer(s), or on a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or on the employee’s admission of alcohol or controlled substance use (except as provided by 49 C.F.R. 382.121) – that the employee used alcohol while performing safety-sensitive functions, used alcohol within four hours of performing safety-sensitive functions, or used a controlled substance, in accordance with DOT regulations. See Appendix A for the definition of “actual knowledge.”

Violations of this Policy may also constitute criminal activity. Accordingly, the Authority shall:

- A. Notify the appropriate law enforcement agency or agencies whenever anyone on the Authority premises, or on working time, is suspected of possessing, selling, transferring, or stealing any of the prohibited items or substances covered by this Policy.
- B. Cooperate fully with the appropriate law enforcement agency or agencies in the detection, investigation, arrest, and prosecution of anyone engaged in the activities, which are prohibited by this Policy.
- C. Cooperate fully with any licensing or certifying agency in their investigation and discipline of anyone suspected of violating this Policy.
- D. Attempt to prevent employees from driving any motor vehicle, including their own, if it appears that the employee may be under the influence of drugs or alcohol. If the employee insists on operating a vehicle, the appropriate law enforcement agencies shall be notified.

V. VOLUNTARY TREATMENT AND EMPLOYEE ASSISTANCE PROGRAM

The Authority encourages every employee to voluntarily obtain treatment, counseling and rehabilitation whenever he/she feels they have a problem with alcohol and/or drugs. Eligible employees who voluntarily admit to alcohol misuse or controlled substances use or request rehabilitation in accordance with this policy are not subject to the federally mandated referral, evaluation and treatment requirements, provided that:

- (1) The admission is in accordance with this policy;
- (2) The employee does not self-identify in order to avoid testing under the requirements of this policy;
- (3) The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- (4) The employee does not perform a safety sensitive function until the Authority is

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satisfied that the employee has been evaluated and has successfully completed an

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educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor, accordance with the self-identification program guidelines.

- A. Employees participating in a rehabilitation program who continue to work at the Authority must continue to meet existing job performance standards. Nothing in this Policy constitutes a waiver of the Authority's right to take disciplinary action in the case of poor performance, poor attendance, or misconduct in accordance with the disciplinary provisions of the applicable collective bargaining agreement.

- B. As a condition of continued employment, employees who choose counseling or rehabilitation must also:
 - 1. Follow all recommendations made by the Authority, the employee's treating facility, and the substance abuse professional (SAP) treating the employee.
 - 2. Sign all forms incidental to the receipt of rehabilitative services.
 - 3. Attend and complete any and all rehabilitation programs to which the employee is referred.
 - 4. Furnish proof, on a periodic basis, that he/she is attending all recommended after-care programs and/or receiving all recommended treatment.
 - 5. Submit to periodic, unannounced, non-DOT follow-up substance/alcohol testing for a period of at least one (1) year after completion of the employee's rehabilitation program as part of the employee's rehabilitative treatment and maintenance. Such follow-up testing shall be conducted in accordance with the recommendations of the SAP and must include at least six (6) tests during the first twelve (12) months after the employee returns to duty, but may include testing for up to 60 months.
 - 6. Submit to a return-to-duty substance/alcohol test after violating this policy, but before performing safety-sensitive duties. Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02, and/or a return to duty controlled substance test with a verified negative test result for controlled substances use.

- C. Eligible employees may be granted an unpaid leave in accordance with the Authority's existing leave policy in order to receive treatment. All rehabilitation leaves will run concurrently with any leave under the Family and Medical Leave Act. Additional leave may be granted at the discretion of the Authority or as required by law. The Authority

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will allow the employee sufficient opportunity to seek evaluation, education, or treatment to establish control over the employee's drug or alcohol problem.

- D. The Authority shall not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this policy.
- E. Employees who have been permitted to participate in the rehabilitation program and fail to follow the above conditions, or come to work with an alcohol concentration prohibited by this Policy, or test positive for any substance prohibited by this Policy, or otherwise violate any provision contained in this Policy, shall be subject to discipline up to and including termination.
- F. The Authority will provide a list of Substance Abuse Professionals (SAPs) who will professionally evaluate employees who have violated DOT drug & alcohol rules and recommend appropriate education regarding the effect and consequences of drug and alcohol use, treatment, follow-up tests, and aftercare.

For more information regarding the Employee Assistance Program, employees are encouraged to contact Human Resources. You may also contact the EAP provider, E4 Health, directly at the confidential E4 Health hotline at 800-227-2195, or visit the E4 Health website at www.helloE4.com (Username: njturnpike Password: guest).

VI. WHEN A TEST WILL BE CONDUCTED

The Federal Motor Carrier Safety Administration (FMCSA), along with the Department of Transportation (DOT), requires that persons subject to the commercial driver's license (CDL) requirements and their employers follow alcohol and drug testing rules. These rules include procedures for testing, frequency of tests, and substances tested for.

- A. **Pre-Employment Testing** – Prior to the first time an employee performs safety-sensitive functions for the Authority, but after a conditional offer of employment or transfer, individuals must submit to and pass an alcohol and drug-screening test as a condition of commencement of employment. Individuals who have been offered employment may not commence work until after they have successfully completed an

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alcohol and drug test, and any conditional offer of employment will be rescinded from a prospective employee who is unable to successfully pass a controlled substance screening pre-employment. A positive test result will disqualify an individual from further consideration. If the test results in a negative dilute, then the prospective employee must retake the drug test within 24 hours of notification. If the employee does not retake the test within 24 hours of notification, the drug test will be considered a refusal to test and a positive test. If the second drug test results in a negative dilute, then the drug test will be considered a positive test and will disqualify the prospective employee from further consideration.

- B. Reasonable Suspicion Testing** – Testing for alcohol and/or drugs shall be required when the Authority has a “reasonable suspicion” to believe that an employee has violated the prohibitions against the use of alcohol or drugs.
1. The Authority’s determination that reasonable suspicion exists to require an alcohol and/or drug test will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee to be tested. With regard to drug testing, these observations may also include indications of the chronic and withdrawal effect of drugs.
 2. The required observations for reasonable suspicion alcohol and/or drug testing will be made by a supervisor or the Authority official who is trained in accordance with DOT requirements. When a trained supervisor or other trained Authority official has reasonable suspicion that a covered employee may be under the influence of alcohol or a controlled substance, and that reasonable suspicion has been confirmed by a second trained supervisor or other trained Authority official, he or she shall: (i) complete the New Jersey Turnpike Authority Supervisor's Report of Reasonable Suspicion Form and the U.S. Department of Transportation Alcohol Testing form, following the appropriate instructions; and (ii) contact the General Foreman and the Safety Department by telephone to report the occurrence immediately. The supervisor will be given instructions as to what action should be taken. Written documentation of the grounds for reasonable suspicion drug testing must be signed by the supervisor or Authority official making the observation within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.
 3. If authorized by the Safety Department, or higher-level authority outside of business hours, the supervisor will inform the employee that an observation of his/her behavior warrants the performance of a drug and/or alcohol test. The employee must be advised that if he/she refuses to submit to the test, he/she will

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be subject to immediate suspension and termination proceedings. The Safety Department will arrange for testing at an approved Testing Site.

4. The person who determines that reasonable suspicion exists to conduct an alcohol test will not also administer the alcohol test.
5. Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding or just after the period of the workday that the driver is on duty as defined above.
6. If authorized by the Safety Department or higher-level authority, the supervisor will inform the employee that an observation of his/her behavior warrants the performance of a drug and/or alcohol test. The employee must be advised that if he/she refuses to submit to the test, he/she will be subject to immediate suspension and termination proceedings. The Safety Department will arrange for testing at an approved Testing Site.
7. Drug and Alcohol tests should be administered immediately following the determination to test, but prior to the employee's release from duty. If the employee has not submitted to an alcohol test within two (2) hours of the reasonable suspicion determination by the Supervisor or Authority official, the Supervisor shall prepare a record stating the reason(s) that the test was not promptly administered. The record will be maintained on file by the Authority.
8. Under no circumstances may an alcohol test be administered greater than eight hours or a drug test more than 32 hours following the determination to test. In that event, the supervisor must additionally prepare and submit to the Human Resource Director an explanation for the failure/inability to test. If the Driver has not submitted to a controlled substance test within thirty-two (32) hours of the observation, the attempts to administer the test shall cease and the Supervisor shall prepare and the Authority maintain the record described in this section.
9. Even if the Authority is not able to administer a reasonable suspicion alcohol test in a timely manner, the Authority may not permit the observed driver to perform or continue to perform safety-sensitive functions until an alcohol test is conducted with an alcohol concentration that measures less than 0.02 or twenty-four (24) hours have passed since the time that the reasonable suspicion observation was made.

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10. Positive Test Results

- (a) If an employee has an immediate positive alcohol test, the supervisor must advise the employee that the Safety Department will arrange for transportation home. He/she must be available for communication from Human Resources and may not return to work until contacted by Human Resources. The supervisor must ensure that he/she obtains current contact information from the employee and shares the information with Human Resources.
- (b) Individuals found to have an alcohol concentration of .02 or greater, will not be permitted to remain at work; the Safety Department will ensure that the employee is transported home. The use of benefit time will not be permitted. A mandatory referral to EAP will be made. Such employees may be subject to disciplinary action up to an including termination.
- (c) Drug test results can take up to 72 hours. The supervisor must advise the employee that they are to secure transportation home. The supervisor must ensure that he/she obtains current contact information from the employee and share the information with the Testing Coordinator. The employee must be available for communication from the Medical Review Officer (MRO) and/or Human Resources and must remain out of work, with pay, until advised of his/her work status by Human Resources.
- (d) Human Resources will provide management with the work status determination once received and will provide appropriate guidance thereafter. Positive drug results will be communicated from the testing lab to the MRO. The MRO will notify the employee of a positive result.
- (e) If test results are positive, Human Resources will initiate immediate suspension and termination proceedings.

NOTE: UNDER NO CIRCUMSTANCES SHOULD AN EMPLOYEE WHO IS SUSPECTED OF BEING UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL BE PERMITTED TO DRIVE, AND THE AUTHORITY SHALL PROVIDE TRANSPORTATION TO THE TESTING FACILITY AND/OR TO THE EMPLOYEE'S RESIDENCE AS THE AUTHORITY DEEMS APPROPRIATE AND IS WITHIN REASON.

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C. Post-Accident Testing & Notification Requirements

1. Immediately after being involved in a motor vehicle accident, the employee driver is to report the accident to the police and contact his/her immediate supervisor. In the absence of the immediate supervisor, the employee driver is to report the accident to the next higher supervisor in the chain of command. If the Employee-Driver is injured, he/she is to follow the directions of the medical attendants and request that police notify the Safety Department or the Human Recourses Department. The employee driver shall inform the Department of:
 - i. The type of vehicle being operated;
 - ii. Whether the accident resulted in bodily injury requiring immediate medical treatment away from the scene of the accident, or a fatality of any individual;
 - iii. Whether a citation was issued, and if so, for what violation;
 - iv. Specific location of the accident;
 - v. Brief description of the accident;
 - vi. Whether the employee requires medical assistance, and if so, which medical facility will be utilized; and
 - vii. Whether the department vehicle is operable or requires towing.

The supervisor must ensure that his/her chain of command has been notified of the accident and that the Safety Department is contacted. The Safety Department, in cooperation with a higher-level authority, must determine whether a test must be administered consistent with the Post Accident and/or Reasonable Suspicion provisions this Policy.

NOTE: THE EMPLOYEE-DRIVER IS NOT TO LEAVE THE SCENE OF THE ACCIDENT UNLESS AUTHORIZED BY THE AUTHORITY OR DIRECTED BY THE POLICE.

2. If the Safety Department determines that a test is required, he/she must do the following:
 - (a) Before Traveling to the Accident Site:
 1. Notify his/her chain of command that a Post-Accident test is needed, providing the Employee-Driver's name and employee ID number; and
 2. If it is known that the Employee-Driver requires medical

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attention, provide the name of the medical facility to which he/she has been taken; or

3. If the Employee-Driver is uninjured, he/she should be instructed to remain at the site of the accident.

(b) After Arriving at the Accident Site:

1. Inform the Employee-Driver that a test has been ordered.
2. Provide the Employee-Driver with the reasons why the test has been ordered and advise him/her that if he/she refuses to submit to the test he/she will be subject to immediate suspension and termination proceedings.
3. Arrange for testing at an authorized testing site or arrange for mobile collection by contacting the Safety Department.
4. Remain with the Employee-Driver until the tests have been completed.

NOTE: WHERE THE AUTHORITY HAS DETERMINED THAT A POST-ACCIDENT TEST IS REQUIRED IN ACCORDANCE WITH 49 CFR 382.303, THE AUTHORITY SHALL PROVIDE TRANSPORTATION TO THE TESTING FACILITY. AFTER THE TEST HAS OCCURRED, THE AUTHORITY SHALL PROVIDE TRANSPORTATION FROM THE TESTING SITE TO THE EMPLOYEE'S RESIDENCE.

3. As soon as practicable following an accident involving a CMV, the Authority shall test the following employees for drugs and alcohol:
 - (a) Employees who were performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (b) Employees who received a citation under State or local law for a moving traffic violation arising from the accident.

If an alcohol test is not administered within two (2) hours following the accident, the Authority will prepare and maintain on file a record stating the reasons the test was not properly administered. If an alcohol test is not administered within eight (8) hours following the accident, the Authority shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. If a controlled substances test is not administered within thirty-

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two (32) hours following the accident, the Authority will cease attempts to

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administer a controlled substances test, and shall prepare and maintain the same record.

4. Employees who are subject to post-accident testing shall remain readily available for such testing, or else they may be deemed to have refused to submit to testing. A refusal shall be treated as violation of this policy and employee will be subject to discipline up to an including termination. However, nothing about this Policy should be construed to delay necessary medical attention or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were intoxicating substances in his/her system. Any driver failing to do so shall be subject to the consequences listed under Section VIII, A, 1&2.
5. No driver required to take a post-accident test shall use alcohol or controlled substances for eight (8) hours following the accident, or until he/she undergoes a post-accident substance/alcohol test, whichever occurs first. Additionally, a driver subject to post-accident testing shall remain readily available for such testing during the periods of time provided above. Any driver who violates either of these requirements shall be considered to have violated this Policy and shall be subject to the consequences listed under Section VIII, A, 1&2.
6. The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, may also be utilized by the Authority and shall serve to meet the DOT's requirements, provided such tests conform to Federal, State or local requirements and provided that the results of the tests are obtained by the Authority.
7. Positive Test Results:
 - (a) Employees who have a confirmed positive test, refuse testing, or do not make themselves readily available for testing following an accident covered under this section of the Policy shall be considered to have violated this Policy and shall be subject to the consequences listed under Section VIII, A, 1&2. Even if the employee has tested negative, the employee may still be disciplined in the sole discretion of the Authority as a result of his/her involvement in an accident.

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(b) If an Employee-Driver has an immediate positive alcohol test, the Safety Department will ensure that the employee is transported home. The supervisor must advise the employee that He/she must be available for communication from Human Resources and may not return to work until contacted by Human Resources. The supervisor must ensure that he/she obtains current contact information from the Employee-Driver and shares the information with Human Resources.

(c) Individuals found to have an alcohol concentration of .02 or greater, will not be permitted to remain at work; the Safety Department will ensure that the employee is transported home. The use of benefit time will not be permitted. A non-mandatory referral to EAP will be made. Such employees may be subject to disciplinary action, up to and including termination.

(d) Drug test results can take up to 72 hours. The supervisor must ensure that he/she obtains current contact information from the Employee-Driver and share the information with the Testing Coordinator. The Employee-Driver must be available for communication from the Medical Review Officer (MRO) and/or Human Resources and must remain out of work, with pay, until advised of his/her work status by Human Resources.

(e) Human Resources will provide management with the work status determination once received and will provide appropriate guidance thereafter. Positive drug results will be communicated from the testing lab to the MRO. The MRO will notify the Employee-Driver of a positive result.

(f) If test results are positive, Human Resources will initiate immediate suspension and termination proceedings.

D. Random Testing

All employees covered under this Policy will be subject to random, unannounced drug and alcohol testing in accordance with the Federally-mandated random testing provisions set forth the by the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration. A driver may be tested for controlled substance or alcohol use at any time during normal working hours. The minimum annual percentage rate for random alcohol testing shall be 10% of the average number of driver positions and must be conducted just before, during or just after an employee's performance of safety sensitive duties. The minimum annual percentage rate for random drug testing shall be 25% of the average number of driver

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1. The Safety Department will select an independent Testing Company to perform random testing through a scientifically valid method. The Testing Company will use a computer program to randomly generate a list of employees selected for testing by the employee number. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made. Upon selection, the Safety Department or its designee shall notify the employee's supervisor or designee to inform the employee to report immediately and directly to the testing site.
2. Snow volunteer employees will be considered part of the random testing population during the calendar year, after the volunteer passes a Post-Offer Test. The Testing Representative will notify the volunteer that he/she is required to be tested and will also advise the volunteer where he/she should report for testing. Volunteers will not be excused from the test unless they are out of work on approved benefit time or an approved leave of absence. Failure to report for the test will be considered refusal. Snow volunteers who refuse testing will be removed from the Volunteer Program permanently and will be subject to the discipline procedure under this policy.
3. Once notified of selection for random testing, a driver must immediately proceed to a testing site; provided, however, that if the employee is performing a safety-sensitive function, other than driving a CMV, at the time of notification, he/she shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.
4. If an employee is off from work due to illness, injury, or vacation, his or her name shall be skipped and the next person's name on the list selected and tested. No employee benefit time requests will be considered once the employee is notified of selection for random testing.
5. All employees will remain at the test site until released by the Testing Company or the Safety Department, without exception. Employees leaving the test site without authorization will be considered to have refused which will result in immediate suspension and termination proceedings.
6. Positive Test Results

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(a) Positive results will be communicated from the testing lab to the Medical Review Officer (MRO). The MRO will notify the employee of a positive result and will immediately notify the Safety Department.

(b) Upon receipt of a positive test result, the Safety Department will contact the employee to provide him/her with an explanation of the procedures about his/her mandated and immediate referral to the Substance Abuse Professional (SAP) and a Return-To-Duty drug screen. The employee will not be permitted to return to work until cleared by SAP and authorized by Human Resources.

(c) Employees who do not attend or comply with EAP/SAP treatment/education recommendations and/or who test positive for a second time will be subject to disciplinary action up to and including termination, in accordance with the applicable collective bargaining agreement.

(d) Individuals found to have an alcohol concentration above 0.02 will not be permitted to remain at work; the Safety Department will ensure that the employee is transported home. The use of benefit time will not be permitted. A non-mandatory referral to EAP will be made. Such employees may be subject to disciplinary action in accordance with this policy.

E. Follow-Up Testing

At least six (6) unannounced follow-up drug/alcohol tests will be conducted in the first twelve (12) months after an employee returns to duty following a violation of this policy or voluntary submission to rehabilitation, regardless of whether such individual was required to participate in a rehabilitation program. Thereafter, the employee may be subject to, at the SAP's discretion, follow-up testing for up to sixty (60) months following the employee's return to work. All follow-up testing will be performed in accordance with the recommendations of the SAP, but in no event shall follow-up testing be required for a period shorter than twelve (12) months or a period longer than sixty (60) months. All follow-up testing will be collected under direct observation. Follow-up testing for alcohol use as required by this Section shall be subject to testing while performing a Safety-sensitive Function.

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Positive results will be communicated from the testing lab to the MRO. The MRO will notify the employee of a positive result. If the results of the test are positive, the employee must be removed from the work site, secure transportation home and instructed to remain available for communication from Human Resources. Human Resources will initiate immediate suspension and termination.

Individuals found to have an alcohol concentration of .02 or greater will not be permitted to remain at work; the Safety Department will ensure that the employee is transported home. Such results will be reported to the SAP for further treatment recommendations. Such employees may be subject to disciplinary action.

NOTE: IF THE EMPLOYEE TESTS POSITIVE AND LEARNS OF THE RESULTS OF THE POSITIVE TEST WHILE STILL AT THE TESTING SITE, THE AUTHORITY SHALL PROVIDE TRANSPORTATION FROM THE TESTING SITE TO THE EMPLOYEE'S RESIDENCE.

F. Return-To-Duty Testing

An employee who either: (a) tests positive for alcohol or controlled substances in violation of this policy and/or applicable law, or (b) voluntarily entered a rehabilitation program in accordance with Section V of this Policy, and who is not terminated, will not be permitted to return to work until they have met the following:

1. The employee must be evaluated by a Substance Abuse Professional (SAP) who meets the criteria outlined in the DOT's Regulations.
2. The employee must comply and complete all recommendations made by the SAP and be able to document same.
3. The employee must submit to a return-to-duty controlled substance/alcohol test under direct observation. A return-to-duty alcohol test must indicate an alcohol concentration of less than 0.02 and a return-to-duty substance test must result in a verified negative.

Negative results will be communicated to the Testing Representative by the Testing Coordinator so that arrangements may be made for the employee's return to work.

Positive results will be communicated from the testing lab to the Medical Review Officer (MRO). The MRO will notify the employee of a positive result. If the results of the test are positive, Human Resources will initiate immediate suspension and termination proceedings.

Individuals found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions until not less than 24 hours following the administration of the test have passed. The Safety Department will

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ensure that the employee is transported home.

Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

G. Direct Observation Collections

In accordance with DOT Rule 49 CFR § 40.67, immediate urine collection under direct observation must be performed with no advance notice to the employee, if:

- (1) The laboratory reported to the MRO that a specimen is invalid, and the MRO reported that there was not an adequate medical explanation for the result;
- (2) The MRO reported that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed;
- (3) The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place immediately under direct observation; or
- (4) The test is a Follow-up or Return-to-Duty test.

In addition, directly observed collections are authorized when the collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;; the specimen temperature is outside the acceptable range; the specimen shows signs of tampering including but not limited to unusual color, odor, characteristic, or presence of foreign material; or the collector finds an item in the employee's pockets or wallet which appears to be brought into the site to contaminate a specimen; or the collector notes conduct suggesting tampering.

The observer shall be the same gender as the employee.

If the collector is not the observer, the collector must instruct the observer about the procedures for checking the employee for prosthetic or other devices designed to carry "clean" urine and urine substitutes AND for watching the employee urinate into the collection container.

- The observer requests the employee to raise his or her shirt, blouse or dress / skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the

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employee does not have such a device.

- If The Employee Has A Device: The observer immediately notifies the collector; the collector stops the collection; and the collector thoroughly documents the circumstances surrounding the event in the remarks section of CCF. The collector notifies the DER. This is a refusal to test.
- If The Employee Does Not Have A Device: The employee is permitted to return clothing to its proper position for the observed collection. The observer must watch the urine go from the employee's body into the collection container. The observer must watch as the employee takes the specimen to the collector. The collector then completes the collection process.

In a case where a specimen is collected under direct observation because of showing signs of tampering, the collector will process both the original specimen and the specimen collected using direct observation and send the two sets of specimens to the laboratory. This is true even in a case in which the original specimen has insufficient volume but it shows signs of tampering.

An employee who declines to allow a directly observed collection required or permitted by applicable law, will be deemed to refuse to test and any specimen the employee previously provided during the collection procedure will be discarded.

VII. HOW THE TEST WILL BE CONDUCTED

A. Controlled Substances Testing

1. When testing is warranted, the employee will be escorted to the drug testing facility. Refusal to report to the drug testing facility when directed to do so shall be considered a violation of this Policy and shall subject the employee to the consequences listed under Section VIII, A, 1&2 of this Policy.
2. The employee must present positive identification of his or her identity with an Authority identification card, photo identification, or a valid photo driver's license. If the employee's identity cannot be verified, the collection should not proceed.
3. At the direction of the designated laboratory personnel, the employee shall complete the required sections of the Federal Drug Testing Custody and Control Form. The employee must give his/her consent to be tested. Refusal to submit to a test shall be considered a positive test and shall subject the employee to the consequences listed under Section VIII, A, 1&2 of this Policy.
4. The employee will be asked to provide a urine sample of at least 45-ml. The

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sample will be split into two sealed bottles labeled "primary" and "split." At least 30-ml of urine from the collection will be poured into a specimen bottle, to be used for the primary specimen. At least 15-ml of urine from the collection will be poured into a specimen bottle, to be used for the split

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specimen. Both bottles will be sent to a certified Department of Health and Human Services (DHHS) laboratory. Unless the physician determines that the employee was medically unable to provide a sufficient urine sample, the employee's failure to provide an adequate sample shall be considered a violation of this Policy and shall subject the employee to the consequences listed under Section VIII, A, 1&2 of this Policy.

5. The collection of urine specimens shall allow for individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Whenever there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, a specimen may be obtained under the direct observation of a qualified observer of the same gender. In all circumstances, the Authority will strive to implement a procedure that allows as much privacy and dignity to the employee as is practicable under the circumstances, and as is compliant with applicable laws and regulations, including but not limited to 49 C.F.R. 40.67 and 40.69.
6. The "Shy Bladder" Rule: In the event the employee cannot provide the required amount of urine for the test, he or she shall be instructed to drink no more than forty (40) ounces of fluid, distributed reasonably through a period of up to three (3) hours, again attempt to provide a complete sample. If the employee is still unable to provide the required amount, attempts at testing shall be discontinued and he or she shall be referred to a medical doctor. If there is no medical reason for the inability to provide the required specimen, the employee shall be deemed to have refused the test and penalized accordingly.
7. Employees who alter, substitute, or adulterate a specimen shall not be returned to the performance of safety-sensitive functions unless the employee successfully completes the return-to-duty process (see Section VI at subpart F), and will be considered to have violated this Policy and shall be subject to the consequences listed under Section VIII, A, 1&2 of this Policy.
8. The employee will be asked to read and sign a statement certifying that the specimen identified as having been collected from him/her is in fact that specimen he/she provided. Refusal to sign the statement shall be considered a violation of this Policy and shall subject the employee to the consequences listed under Section VIII, A, 1&2 of this Policy.

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9. All "primary" specimens identified as positive for drugs on the initial test shall be confirmed through the use of a gas chromatography/mass spectrometry (GC/MS test). If the confirmatory test is positive, the employee may, within 72 hours of being notified, if he/she wishes, request that the "split" specimen be sent to another DHHS certified laboratory for a "split" test. The Authority will ensure the chain of custody in the event such a test is requested.

10. The controlled substances tested for and prohibited by this Policy and the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration, 49 C.F.R. § 40.3, are: marijuana, cocaine, amphetamines (including methamphetamine, MDMA, and MDA), phencyclidine (PCP), and opioids. You will also be tested for four semi-synthetic opioids, hydrocodone, oxycodone, hydromorphone, and oxymorphone. Some brand names for the semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®.

11. All drug test results are reviewed and interpreted by a medical review officer (MRO) before they are reported to the Authority. If the laboratory reports a positive test to the MRO, the MRO will contact the Medical Section of the Authority and the employee and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine. If the employee provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug, the drug test will be reported to the Authority as negative.

12. As referenced in Section VI, C, (4) of this Policy, the results of a urine test for controlled substances, conducted by Federal, State or Local officials may be substituted, under certain circumstances (for instance post-accident testing), for this testing procedure.

13. The Authority shall pay the cost of all substance tests.

B. Alcohol Testing

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1. Tests for alcohol use shall be conducted by the use of an evidential breath-testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA).
2. Alcohol tests shall be conducted in a location, which may be a mobile facility, that affords visual and aural privacy to the employee being tested, except if the test must be conducted outdoors (at an accident scene), in which case the maximum practicable privacy shall be afforded the employee.
3. Two breath tests are required to determine if a person has a prohibited alcohol concentration on the screening test and the confirmation test.
4. A breath alcohol technician (BAT), trained in accordance with the DOT's requirements shall perform the alcohol test.
5. The employee shall present positive identification to the BAT. The BAT and the employee being tested shall complete the DOT Breath Alcohol Testing Form. A refusal to sign the form or to present identification shall be considered a violation of this Policy and shall subject the employee to the consequences listed under Section VIII, A, 1&2 of this Policy.
6. The BAT shall instruct the employee how to conduct the screening test, shall show the employee the results of the tests and shall record the test results as required by the DOT. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.
7. The BAT shall instruct the employee of appropriate conduct during the waiting period for the confirmation test and the purpose of such waiting period. A confirmation test shall be conducted not less than 15 minutes after completion of the screening test, but not more than 30 minutes after the screening test. During that time, you are not allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area.
8. The BAT shall repeat the procedures as for the screening test and shall conduct an "air blank" test to ensure that the EBT registers 0.00. The BAT shall perform a confirmation test using a new mouthpiece. If the screening test results and confirmation test results are not the same, the results of the confirmation test are final.
9. The BAT shall show the employee the test results and complete the form, with the employee signing and dating the form. The BAT shall conduct another

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“air blank” to ensure that the EBT registers 0.00. The BAT shall then confidentially transmit the results to the Authority’s designated representative.

10. A result of 0.04 or greater on the confirmatory test shall be considered a violation of this Policy and shall subject the employee to the consequences listed under Section VIII, A, 1&2 if this Policy. A result of 0.02 or greater, but less than 0.04 on the confirmatory test shall result in the employee being removed from safety-sensitive functions for 24 hours, and the employee shall be subject to the consequences listed under Section VIII, B, 1&2.
11. “Shy lung rule:” If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.
12. A refusal to participate in a “screening” or “confirmatory” test, to complete forms, to provide breath or an adequate amount of breath or a failure to cooperate in the process which prevents testing, shall be considered a violation of this Policy and shall subject the employee to the consequences listed under Section VIII, A, 1&2 of this Policy. In the case of claimed inability to provide breath, the BAT shall follow all procedures of the DOT.
13. As referenced in Section VI, C, (4) of this Policy, the results of a breath or blood test for alcohol conducted by Federal, State or local officials may be substituted, under certain circumstances (for instance post-accident testing), for this testing procedure.
14. The Authority shall pay the cost of all alcohol tests required under this Policy.

VIII. CONSEQUENCES OF VIOLATING THIS POLICY

A. Any employee subject to testing under this Policy who tests positive for controlled substances, or who has tested for an alcohol concentration of 0.04 or more, refused a test, violated any DOT drug and alcohol rule, or who has engaged in any of the conduct referenced above that the DOT considers to constitute a positive drug test, shall be subject to the following consequences:

1. DOT Consequences

The employee may not perform, or be permitted by the Authority to perform,

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safety-sensitive functions, including driving a CMV. The employee is prohibited from performing safety-sensitive functions until such time as he/she fulfills the following requirements: 1) the employee must be advised of the resources available for evaluating and resolving substance abuse and/or alcohol problems; 2) the employee must be evaluated by an SAP who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use; 3) the employee must successfully complete any education, counseling or treatment prescribed by the SAP prior to returning to work; and 4) the employee must undergo a return-to-duty alcohol test with a result of less than 0.02 and/or a drug test with a verified negative result. Any employee identified as needing assistance in resolving drug or alcohol problems must be evaluated by an SAP to determine that the employee has properly followed the requirements of any rehabilitation program and follow-up testing rules. Upon return to a safety-sensitive job, the employee will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

2. Authority Consequences

The employee shall be immediately removed without pay from the performance of safety-sensitive functions. The employee shall be referred for mandatory evaluation by the Employee Assistance Program (EAP). The employee shall be subject to discipline up to and including termination, if applicable.

In the case of a pre-employment breath alcohol test with a prospective employee testing at 0.02 or greater, he or she shall not be hired for a safety-sensitive function.

Any employee found to be in possession of a controlled substance or product containing a controlled substance in violation of Federal or State law, or any Section of this policy, shall be immediately removed without pay from the performance of safety-sensitive functions and subject to discipline up to and including termination. Possession of a controlled substance shall constitute reasonable suspicion for testing pursuant to this Policy and the procedure set forth in this Policy shall apply.

Any Safety-sensitive Employee who fails a Random Controlled Substance and/or Alcohol Test shall, upon a first offense, be immediately suspended without pay and referred to mandatory evaluation by EAP, who shall make a recommendation for treatment and/or education. An evaluation by the SAP is mandatory and must be completed before the employee undertakes any other course of rehabilitation,

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if required by the SAP or if the employee voluntarily chooses. Any employee who fails a Random Screening will not be returned to work unless the EAP and SAP recommends the employee's return. Prior to returning to work, the employee must submit to follow-up Testing and Return to Duty Testing in accordance with this Policy. Refusal to do so will result in the employee's immediate termination. Discipline for violations of this policy shall be processed through the applicable provisions of the employee's collective bargaining agreement.

- B. Any employee subject to testing under this Policy who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 shall be subject to the following consequences:
 - 1. DOT Consequences
The employee may not perform or be permitted to perform safety-sensitive functions, including driving a CMV, until his or her next regularly scheduled shift, which may not begin less than twenty-four (24) hours following the test.
 - 2. Authority Consequences
The employee will be suspended without pay for the remainder of the day. Additionally, the employee may be subject to discipline up to and including termination, in accordance with applicable law, and consistent with the applicable provisions of the employee's collective bargaining agreement.

IX. RECORDKEEPING AND CONFIDENTIALITY

The Authority shall comply with all DOT and FMCSA record keeping and confidentiality requirements. The results of any tests will be reported and recorded in a confidential manner. Allowable communication of medical or test results will follow guidelines established in 49 CFR, Part 40 and Part 382. The results will not be reported to any additional parties without the employee's written authorization, except as outlined in 49 CFR, Part 40 and Part 382. A copy of the individual's test results will be available upon request.

The Authority may disclose information required to be maintained under this Section pertaining to an employee, the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or-controlled substance test administered under this policy if the New Jersey Turnpike Authority determines that the employee engaged in conduct prohibited by this Policy including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding related to a benefit sought by the driver.

The Authority shall release information regarding an employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of information by the person receiving same is permitted only in accordance with the terms of the employee's consent. Upon written request of the employee, the Authority shall release directly to the employee copies of the employee's written records maintained by the Authority in accordance with this policy.

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Certain information is required by DOT agency regulations to be reported to the Federal Motor Carrier Safety Administration Commercial Driver's License Drug and Alcohol Clearinghouse, a database containing information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for holders of CDLs. The following personal information collected and maintained pursuant to this policy and applicable regulations shall be reported to the Clearinghouse:

- (i) A verified positive, adulterated, or substituted drug test result;
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
- (iii) A refusal to submit to any test required by this policy and/or applicable regulations;
- (iv) A report of the Authority's actual knowledge that a driver has, based on direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, engaged in:
 - (A) On duty alcohol use;
 - (B) Pre-duty alcohol use;
 - (C) Alcohol use following an accident; and
 - (D) Controlled substance use, in accordance with DOT regulations.
- (v) A Substance Abuse Professional's report of the successful completion of the return-to-duty process;
- (vi) A negative return-to-duty test; and
- (vii) The Authority's report of completion of follow-up testing.

X. FACTS ON CONTROLLED SUBSTANCE AND ALCOHOL USE

A. The Effects on Health, Work and Personal Life

The illegal use and abuse of controlled substances and alcohol misuse has serious effects on our society. The average abuser may be a typical person or co-worker, just an ordinary neighbor.

It is estimated that substance abuse costs the U.S. economy billions of dollars per year. Every purchase of an illegal controlled substance increases the profits of the controlled substances dealer and enables the dealer to expand the territory to include the street that you live on, the school that your children attend, the playground where your children play, and the place where you work.

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The use and abuse of alcohol and drugs can also have adverse impacts on one's own health.

The adverse health effects of controlled substance use may include emphysema-like conditions, heart conditions, serious respiratory tract and/or sinus infections, lowered immune system response, irregular hormone levels, and cell damage. According to the Centers for Disease Control and Prevention, in 2016, there were more than 63,600 drug overdose deaths in the United States.

The adverse health effects of alcohol abuse may include dependency, fatal liver diseases, kidney disease, pancreatitis, ulcers, and/or cancers of the mouth, esophagus, pharynx, larynx, liver, and breast. According to the Centers for Disease Control and Prevention, an estimated 88,000 people die from alcohol-related causes annually, making alcohol the third leading preventable cause of death in the United States. In 2015, of the 78,529 liver disease deaths among individuals ages 12 and older, 47.0 percent involved alcohol. Among all cirrhosis deaths in 2013, 47.9 percent were alcohol related.

The abusers not only endanger themselves, but others around them including fellow workers neighbors and friends. It has been calculated that the substance abuser will:

- be involved in more accidents than a non-abuser
- be less productive than a non-abuser
- increase the employee turnover

Substance abusers cost their employers tremendous amounts of money by their mistakes. As well, there are many unmeasured costs associated with substance abuse such as reduced customer confidence, labor problems, lower team moral, and increased regulatory demands.

Substance and alcohol abuse affects us all and will continue to have devastating consequences on our society unless we do more than we have in the past to stop the abuse of controlled substances and alcohol.

B. Signs and Symptoms of Substance Abuse

- Slurred, incoherent speech
- Staggering, unsteady walking
- Swaying, staggering stance
- Fighting, sarcastic demeanor
- Hostile, erratic actions
- Dilated, blood-shot eyes
- Pale, sweaty face
- Alcohol on breath
- Fumbling, jerky movements

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XI INTERVENTION

As concerned employees, it is your responsibility to be observant of your workplace, your fellow employees, your neighbors, and loved ones. When you think that another person is in danger or a possibly unsafe condition due to controlled substance and/or alcohol abuse exists, you should do your best to intervene, and report the matter to your supervisor or Human Resources.

The signs and symptoms may be related to some other problem, so be careful not to accuse the person of substance abuse. However, be firm and consistent with this individual in regards to his/her possible danger. The reason for your intervention is to remove him or her from danger.

The problem is not going to go away by itself, so do not counsel, treat, or enable the person. Even if this is a friend of yours, do not do the person’s work for him or her, do not make excuses for the person, and do not look the other way. Intervening now may prevent an accident and save the person’s (and potential another’s) life.

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ACKNOWLEDGEMENT & CERTIFICATION

By signing below, I acknowledge and certify that I have received a copy of the New Jersey Turnpike Authority's Department of Transportation Drug-Free and Alcohol-Free Workplace Policy.

Signature of Employee

Date: _____

Witness Signature

APPENDIX ADEFINITIONS

Actual knowledge means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, (except as provided in §382.121). "Direct observation" as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. As used in this section, "traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.

Adulterated specimen. A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Air blank. In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol confirmation test. A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

Alcohol screening device (ASD). A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol screening test. An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol testing site. A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Aliquot. A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Alternate specimen. An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

Breath Alcohol Technician (BAT). A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled test. A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a

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negative test.

Chain of custody. The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) as approved by the Office of Management and Budget.

Collection container. A container into which the employee urinates to provide the specimen for a drug test.

Collection site. A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector. Collectors are individuals who meet the DOT requirements set forth in CFR Part 40 Section 40.31, who are the only persons authorized to collect urine specimens for DOT drug testing.

Commercial Driver's License (CDL) – A license issued by a State, in accordance with the standards contained in Title 49 CFR Part 383, to an individual which authorizes the individual to operate a commercial motor vehicle. The license consists of three (3) classifications:

Class A – Includes tractor trailers AND any truck and trailer combination with a gross combined weight rating (GCWR) of 26,001 or more pounds – provided that the gross vehicle weight rating (GVWR) of the vehicle being towed is more than 10,000 pounds.

Class B – Includes any vehicle with a GVWR of 26,001 or more pounds AND any vehicle with a GVWR of 26,001 or more pounds towing a trailer with a GVWR of less than 10,000 pounds.

Class C – Includes any vehicle with a GVWR of less than 26,001 pounds used to transport hazardous materials (with mandatory placard). A placard is required only if the total load is 1,001 pounds or more of hazardous materials including the package.

CDL Employee – Authority employee who is required to possess a valid Commercial Driver's License and to perform safety sensitive duties for the Authority.

Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) means the FMCSA database that subpart G of this part requires employers and service agents to report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Commercial motor vehicle carriers means Commercial Drivers License (CDL) holders who operate Commercial Motor Vehicles, 26,001 lbs. gvwr. or greater, or operate a vehicle that carries 16 passengers or more including the driver, or required to display a DOT placard in the transportation of hazardous material.

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test means a second test performed on different aliquot of the original specimen to further support a validity test result.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Consortium/Third party administrator (C/TPA) means A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of this part.'

Controlled substances mean those substances identified in 49 CFR §40.82, which are (a) Marijuana metabolites, (b) Cocaine metabolites, (c) Amphetamines, (d) Opioids, and (e) Phencyclidine (PCP).

Continuing education. Training for substance abuse professionals (SAPs) who have completed qualification training and are performing SAP functions, designed to keep SAPs current on changes and developments in the DOT drug and alcohol testing program.

Cutoff. The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

Designated employer representative (DER) is employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) *Inclusions.* Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

(2) *Exclusions.* (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

(ii) Tire disablement without other damage even if no spare tire is available.

(iii) Headlight or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of

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Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with part 40 of this title.

Driver means any person who operates a commercial motor vehicle and is required to have a CDL. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Drugs. The drugs for which tests are required pursuant to DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Employee. Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. This term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under this part, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Employer means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with 49 CFR §40.01, *et seq.* The term, as used herein, means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this Policy and any applicable DOT agency regulations. Service agents are not employers for the purposes of this Policy.

Evidential Breath Testing Device (EBT). A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

HHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Initial drug test. The first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test. The first test used to determine if a specimen is adulterated, diluted, substituted, or invalid.

Invalid result. The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory. Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Limit of Detection (LOD). The lowest concentration at which the analyte (*e.g.*, drug or drug metabolite) can be identified.

Limit of Quantitation (LOQ). For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (*e.g.*, drug or drug metabolite) can be accurately established.

Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative result. The result reported by an HHS-certified laboratory to an MRO when a specimen contains

no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Negative return-to-duty test result means a return-to-duty test with a negative drug result and/or an alcohol test with an alcohol concentration of less than 0.02, as described in 49 CFR §40.305.

Non-negative specimen. A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC). The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of 49 CFR § 40.01, *et seq.*

On-duty time includes all time from the time an employee begins to work or is required to be ready to work until the time he/she is relieved from work and all responsibility for performing work, when the work is related to safety-sensitive functions. See Safety sensitive functions (below).

Oral fluid specimen. A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of this part.

Oxidizing adulterant. A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

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Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted pursuant to this Policy plus the number of refusals of random drug tests required by this Policy, divided by the total number of random drug tests results (*i.e.*, positives, negatives, and refusals).

Positive result. The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Reconfirmed. The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

Refuse to submit (to an alcohol or controlled substances test) means that an employee:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;
- (2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
- (3) Fails to provide a urine or oral fluid specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine or oral fluid specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
- (5) Fails to provide a sufficient amount of urine or oral fluid when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (6) Fails or declines to take a second test the employer or collector has directed the driver to take;
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- (9) Is reported by the MRO as having a verified adulterated or substituted test result.

034620

Rejected for testing. The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

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- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (2) All time inspecting equipment as required by 49 CFR §§392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR §393.76);
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Safety Sensitive Titles. Those titles listed in Appendix __, which as part of their job duties perform safety sensitive functions and are subject to the testing and reporting requirements of this Policy. The titles identified in Appendix A may be amended from time to time by the Authority, where the Authority determines in its sole discretion that an employee performs safety sensitive functions covered by this Policy and by 49 C.F.R. Part 40 and/or Part 382.

Screening test (or initial test) means:

- (1) In drug testing, a test to eliminate "negative" urine or oral fluid specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
- (2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Service agent. Any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Shipping container. A container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.

Specimen. Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Specimen bottle. The bottle that, after being sealed and labeled according to the procedures in this part, is used to hold the urine specimen during transportation to the laboratory.

Split specimen. In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted..

Split specimen collection. A collection in which the single specimen collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

SSN or Employee ID No. This number serves as a unique identifier that must be used on the Federal Drug Testing Custody and Control Form (CCF) or Alcohol Testing Form (ATF) for a donor, on the MRO's

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reports, on SAP reports, or on other documents that are required under this part. For all purposes of this part, this term means: only the Commercial Driver's License (CDL) Number and State of issuance for drivers tested under the authority of the Federal Motor Carrier Safety Administration (FMCSA); and, for all drivers and other safety-sensitive employees tested under the authority of the other DOT agencies, this can be the individual's actual Social Security Number, a unique identifier issued by the employer, a State-issued identification card number, a State-issued driver's license number (including a CDL number) or any other State-issued or federally-issued identification number.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

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Substance Abuse Professional (SAP). A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen. An employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine).

Urine specimen. Urine collected from an employee at the collection site for the purpose of a drug test.

Verified test. A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted.

11-15-2023

034624

**Memorandum of Agreement between AFSCME Local 3914 and
the New Jersey Turnpike Authority**

Whereas, the Turnpike Authority and the Unions (IFPTE Locals 194, 196, chapters 1 and 12, and 200 and AFSCME Local 3914) have entered into an MOA to resolve joint issues; and

Whereas, the Joint MOA provides for across-the-board increases of 3.5% each year and an additional step to be added to each salary range/grade/schedule in the amount of 3%; for the unit members of IFPTE Locals 194, 196, chapters 1 and 12, and 200 (the "Other Unions"); and

Whereas, due to issues of compression impacting non-aligned Authority managers to whom managers represented by Local 3914 report, the Joint MOA does not provide for the same ATBs to be applied to unit members of Local 3914 who are at the maximum step of their salary guide and does not provide an additional step for any Local 3914 unit members; and

Whereas, the Authority recognizes, but does not agree with the position of Local 3914 that each of its unit members should be entitled to receive the 3.5% across the board increase each year of the successor collective bargaining agreement, as well as the additional step; and

Whereas, the Authority and Local 3914 do not want to delay the finalization of a Joint MOA between the Other Unions and the Authority;

Therefore, the Authority and Local 3914 agree as follows:

1. The Authority will make best efforts, in coordination with Local 3914, to address the issue of compression in a manner that will permit unit members of Local 3914 to receive equitable compensation relative to employees who are their subordinates.
2. The Authority further commits to negotiating an MOA with 3914 that permits a 3914 unit member to progress to the maximum or TOR of each salary grade within a reasonable period of time.
3. The Authority agrees that effective July 1, 2023, all unit members of Local 3914, including members currently at TOR, will receive a of 3.5% increase to their base salary through June 30, 2024 Further, the Authority agrees that all employees not at TOR will receive an across-the-board increase of 3.5% to base salary on July 1, 2024, 2025 and 2026.
4. Managers not at TOR will receive a PIP ("Annual Increment") to base salary in the following amounts effective July 1, 2023, based upon the following years of service:

| | |
|-------------|------------|
| 0-5 years | \$500.00 |
| 6-10 years | \$1,000.00 |
| 11-15 years | \$1,500.00 |
| 16-20 years | \$2,000.00 |

11-15-2023

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| | |
|-------------|------------|
| 21-25 years | \$2,500.00 |
| 26+ | \$3,000.00 |

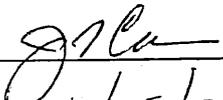
Managers at TOR will receive the above PIPs as off base payments.

5. The Authority agrees to continue negotiating at a separate table with Local 3914 regarding the following open issues:
 - a. salary increases in Years 2 through 4 of the collective bargaining agreement (2024-2026);
 - b. ensuring employees reach the maximum salary within a reasonable period of time; and
 - c. further commits to working with Local 3914 to address the compression issues in a manner that will permit Local 3914 unit members to receive equitable salary increases.

6. This MOA is enforceable through the grievance/arbitration provisions of the parties' CBA.

On behalf of the Turnpike Authority

On behalf of Local 3914



 Dated: 11/15/2023



 Dated: 11-15-23

11-17-2023 Local 194 MOA

034626

**Memorandum of Agreement
between the New Jersey Turnpike Authority
and IFPTE Local 194**

The New Jersey Turnpike Authority (the "Authority") and IFPTE Local 194 ("Local 194"), having engaged in negotiations for an agreement to succeed the collective bargaining agreement that expired on June 30, 2023, hereby agree to the following terms to be incorporated into the successor collective bargaining agreement¹:

A. Wage and Salary Scales:

- 1. The Authority agrees to adopt the Salary Step Guides for Full Time Toll Collectors hired on or after July 1, 2011, Part Time (i.e. 20-hour and 16-hour) Toll Collectors; and Full Time Janitors as set forth in Attachment 1.
- 2. Pay Parity: The following titles shall be considered "Pay Parity Titles":

| <u>Pay Parity Title</u> (Local 194) | <u>Pay Parity Title</u> (Local 196, c. 12) |
|--|---|
| Automotive Technician | Craftsperson II Auto |
| Building Maintenance Mechanic /Carpenter | Mechanical Craftsperson II |
| Electrician | Electrical Craftsperson II |
| Technology Device Technician | Technology Device Technician |

- i. Effective July 1, 2023, Pay Parity Titles in Local 194 shall have their salary scales upgraded in accordance with the adjustment received by the corresponding Pay Parity Titles (as set forth above), as applicable. The foregoing salary adjustments shall occur prior to the application of the ATB increases set forth in the Joint MOA.
- ii. The Pay Parity Titles shall be reviewed upon expiration of the successor collective bargaining agreement, or at any time a corresponding Pay Parity Title receives a salary adjustment, to ensure such titles remain in parity and shall have their salary scales adjusted when necessary to maintain parity.

B. Maintenance: Right to Take Vehicles Home

The Authority agrees that Electricians who are on standby duty shall have the right to take a vehicle home while assigned to stand-by duty, as set forth in Art. VIII, §A(5) of the

¹ This agreement is subject to the provisions of the MOA Regarding Joint Issues between the New Jersey Turnpike Authority and Local Unions.

11-17-2023 Local 194 MOA

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current contract. Carpenter/Plumber Hybrid Craftspeople shall be entitled to take a vehicle home while on stand-by duty upon completion of appropriate training.

C. Office: Telework and 4-Day Work Week

1. The Telework Pilot Program is extended through June 30, 2024. The Authority shall provide reasonable notice (at least 30 days) of a change or discontinuation of the Telework Pilot Program, and an opportunity to negotiate upon request. The status quo from which the parties may negotiate shall be that which existed prior to the Pilot Program.
2. The 4-Day Work Week Pilot Program is extended through June 30, 2024. The Authority shall provide reasonable notice (at least 30 days) of a change or discontinuation of the 4-Day Work Week Pilot Program, and an opportunity to negotiate upon request. The status quo from which the parties may negotiate shall be that which existed prior to the Pilot Program.

D. Tolls:

1. The Authority shall make good faith efforts to ensure a clean and safe working environment for Toll Collectors, by way of a Joint Committee of Safety and Operations to review sanitary and safety issues.

2. Entitlement Time:

- i. Full-time Toll Collectors: All full-time toll collectors shall be entitled to three (3) personal days annually, which shall be used before the end of the calendar year and may not be carried over to the following year or cashed out by the employee.

ii. Part-time Toll collectors:

Effective November 1, 2023, all part-time toll collectors shall be entitled to three (3) personal days, which shall be used on or before October 31, 2024.

Part-time toll collectors shall accrue personal days and/or earned sick leave, as applicable, on a pro-rata basis beginning on November 1, 2024, through December 31, 2024. These pro-rata days must be used on or before December 31, 2025.

Effective January 1, 2025, all part-time toll collectors shall be entitled to three (3) personal days, which shall be used on or before December 31, 2025. Effective January 1, 2025, Part-time employees shall receive personal days and earned sick leave days on a calendar-year basis.

- a. These three (3) personal days are in addition to the five (5) personal days that Part-time Toll Collectors hired on or before June 30, 2011, are currently entitled to under the contract;

11-17-2023 Local 194 MOA

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b. These three (3) personal days are in addition to the five (5) earned sick leave days that Part-time Toll Collectors hired on or after July 1, 2011, are currently entitled to under the contract.

3. Training Bonus: The Authority shall pay a \$1/hour training bonus for all time spent training another employee.

J. Hazmat Endorsement

\$200 annual stipend and reimbursement for the cost of endorsement required by the Heavy Equipment Operator title.

K. Boot Allowance

The Turnpike shall provide a boot allowance for all Maintenance employees in the amount of \$120.

L. Jury Duty for Part-Time Toll Collectors

Part-time toll collectors shall receive the same treatment regarding leave with pay with respect to jury duty as full-time toll collectors.

M. Recognition of Part-Time Nurses in Unit

1. Add "Part-Time Nurse" to the Recognition Clause.
2. Provide \$200 clothing allowance to match clothing allowance for full-time nurses.
3. Add that part-time nurses shall receive the same holiday schedule as full-time employees under the current contract when the holiday falls on the part-time nurse's scheduled workday.
4. Part-Time Nurse(s) shall receive the annual 3.5% ATB increases as set forth in the Joint MOA.

N. Dispatcher Advancement Program and Maintenance Advancement Program

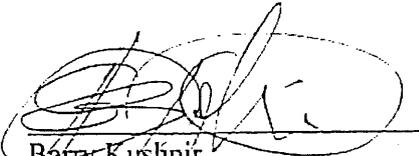
1. The Dispatcher Advancement Program shall be terminated effective July 1, 2023, except that any employee currently enrolled in the Dispatcher Advancement Program may complete the program.
2. The Authority reserves the right, and the Parties agree to continue negotiations over modifications to the Maintenance Advancement Program and the Automotive Advancement Program.

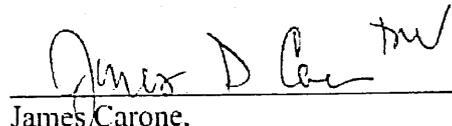
On behalf of Local 194

On behalf of the Turnpike Authority

11-17-2023 Local 194 MOA

034629


Barry Kuslir,
President
Dated: 11/17/2023


James Carone,
Executive Director
Dated: 11/17/23

Attachment 1

034630

| Full-Time Toll Collectors Salary Guide (Hired on or after July 1, 2011) | | | | | | | | | |
|--|---------|-------------|-------------|-------------|---------|-------------|---------|-------------|---------|
| Step | % Incr. | 7/1/2023 | | 7/1/2024 | | 7/1/2025 | | 7/1/2026 | |
| | | Annual | Hourly Rate | Annual | Hourly | Annual | Hourly | Annual | Hourly |
| 1 | | \$37,440.00 | \$18.00 | \$41,600.00 | \$20.00 | \$43,056.00 | \$20.70 | \$44,562.96 | \$21.42 |
| 2 | 2.13% | \$38,239.14 | \$18.38 | \$42,487.93 | \$20.43 | \$43,975.01 | \$21.14 | \$45,514.13 | \$21.88 |
| 3 | 6.50% | \$40,724.99 | \$19.58 | \$45,249.99 | \$21.75 | \$46,833.74 | \$22.52 | \$48,472.92 | \$23.30 |
| 4 | 6.50% | \$43,371.93 | \$20.85 | \$48,191.04 | \$23.17 | \$49,877.72 | \$23.98 | \$51,623.44 | \$24.82 |
| 5 | 6.50% | \$46,191.35 | \$22.21 | \$51,323.73 | \$24.67 | \$53,120.06 | \$25.54 | \$54,979.26 | \$26.43 |
| 6 | 6.50% | \$49,194.68 | \$23.65 | \$54,660.76 | \$26.28 | \$56,573.89 | \$27.20 | \$58,553.97 | \$28.15 |
| 7 | 6.50% | \$52,392.34 | \$25.19 | \$58,213.71 | \$27.99 | \$60,251.19 | \$28.97 | \$62,359.98 | \$29.98 |
| 8 | 3.00% | | | \$59,960.12 | \$28.83 | \$62,058.73 | \$29.84 | \$64,230.78 | \$30.88 |

| Part-Time Toll Collectors Salary Guide (16 hr. Employees) | | | | | | | | | |
|--|---------|-------------|---------|-------------|---------|-------------|---------|-------------|---------|
| Step | % Incr. | 7/1/2023 | | 7/1/2024 | | 7/1/2025 | | 7/1/2026 | |
| | | Annual | Hourly | Annual | Hourly | Annual | Hourly | Annual | Hourly |
| 1 | | \$14,976.00 | \$18.00 | \$16,640.00 | \$20.00 | \$17,222.40 | \$20.70 | \$17,825.18 | \$21.42 |
| 2 | 2.13% | \$15,295.66 | \$18.38 | \$16,995.17 | \$20.43 | \$17,590.00 | \$21.14 | \$18,205.65 | \$21.88 |
| 3 | 6.50% | \$16,290.00 | \$19.58 | \$18,100.00 | \$21.75 | \$18,733.50 | \$22.52 | \$19,389.17 | \$23.30 |
| 4 | 6.50% | \$17,348.77 | \$20.85 | \$19,276.41 | \$23.17 | \$19,951.09 | \$23.98 | \$20,649.38 | \$24.82 |
| 5 | 6.50% | \$18,476.54 | \$22.21 | \$20,529.49 | \$24.67 | \$21,248.02 | \$25.54 | \$21,991.70 | \$26.43 |
| 6 | 6.50% | \$19,677.87 | \$23.65 | \$21,864.30 | \$26.28 | \$22,629.56 | \$27.20 | \$23,421.59 | \$28.15 |
| 7 | 6.50% | \$20,956.94 | \$25.19 | \$23,285.48 | \$27.99 | \$24,100.48 | \$28.97 | \$24,943.99 | \$29.98 |
| 8 | 3.00% | | | \$23,984.05 | \$28.83 | \$24,823.49 | \$29.84 | \$25,692.31 | \$30.88 |

| Part-Time Toll Collectors Salary Guide (20 hr. Employees) | | | | | | | | | |
|--|---------|-------------|---------|-------------|---------|-------------|---------|-------------|---------|
| Step | % Incr. | 7/1/2023 | | 7/1/2024 | | 7/1/2025 | | 7/1/2026 | |
| | | Annual | Hourly | Annual | Hourly | Annual | Hourly | Annual | Hourly |
| 1 | | \$18,720.00 | \$18.00 | \$20,800.00 | \$20.00 | \$21,528.00 | \$20.70 | \$22,281.48 | \$21.42 |
| 2 | 2.13% | \$19,119.57 | \$18.38 | \$21,243.97 | \$20.43 | \$21,987.50 | \$21.14 | \$22,757.07 | \$21.88 |
| 3 | 6.50% | \$20,362.50 | \$19.58 | \$22,625.00 | \$21.75 | \$23,416.87 | \$22.52 | \$24,236.46 | \$23.30 |
| 4 | 6.50% | \$21,685.97 | \$20.85 | \$24,095.52 | \$23.17 | \$24,938.86 | \$23.98 | \$25,811.72 | \$24.82 |
| 5 | 6.50% | \$23,095.68 | \$22.21 | \$25,661.86 | \$24.67 | \$26,560.03 | \$25.54 | \$27,489.63 | \$26.43 |
| 6 | 6.50% | \$24,597.34 | \$23.65 | \$27,330.38 | \$26.28 | \$28,286.94 | \$27.20 | \$29,276.99 | \$28.15 |
| 7 | 6.50% | \$26,196.17 | \$25.19 | \$29,106.86 | \$27.99 | \$30,125.60 | \$28.97 | \$31,179.99 | \$29.98 |
| 8 | 3.00% | | | \$29,980.06 | \$28.83 | \$31,029.36 | \$29.84 | \$32,115.39 | \$30.88 |

| Full-Time Janitors Salary Guide | | | | | | | | | |
|---------------------------------|---------|-------------|---------|-------------|---------|-------------|---------|-------------|---------|
| Step | % Incr. | 7/1/2023 | | 7/1/2024 | | 7/1/2025 | | 7/1/2026 | |
| | | Annual | Hourly | Annual | Hourly | Annual | Hourly | Annual | Hourly |
| 1 | | \$37,440.00 | \$18.00 | \$41,600.00 | \$20.00 | \$43,056.00 | \$20.70 | \$44,562.96 | \$21.42 |
| 2 | 2.24% | \$38,276.84 | \$18.40 | \$42,529.82 | \$20.45 | \$44,018.36 | \$21.16 | \$45,559.01 | \$21.90 |
| 3 | 6.68% | \$40,834.58 | \$19.63 | \$45,371.75 | \$21.81 | \$46,959.76 | \$22.58 | \$48,603.35 | \$23.37 |
| 4 | 4.15% | \$42,529.81 | \$20.45 | \$47,255.35 | \$22.72 | \$48,909.28 | \$23.51 | \$50,621.11 | \$24.34 |
| 5 | 7.63% | \$45,774.31 | \$22.01 | \$50,860.34 | \$24.45 | \$52,640.45 | \$25.31 | \$54,482.87 | \$26.19 |
| 6 | 6.50% | \$48,749.64 | \$23.44 | \$54,166.26 | \$26.04 | \$56,062.08 | \$26.95 | \$58,024.26 | \$27.90 |
| 7 | 3.00% | | | \$55,791.25 | \$26.82 | \$57,743.95 | \$27.76 | \$59,764.98 | \$28.73 |