

MEMORANDUM OF UNDERSTANDING

WHERE AS: The collective bargaining process between the parties of Liberty Township, Butler County Ohio and Liberty Township Professional Fire Fighters, IAFF Local 4394 resulted in the creation of Article 12 – Drug and Alcohol Testing which memorialized concerns of the parties regarding both reasonable suspicion and random testing for both drugs and alcohol; and

WHERE AS: the undersigned have hereby agreed to the following change regarding drug and alcohol testing of bargaining unit members from this day forward and throughout the remainder of the current collective bargaining agreement that has been negotiated between the parties, or such time when a new collective bargaining agreement or amended MOU is established to address the concerns of both parties to the MOU; and

WHERE AS: although this MOU is independent of the Agreement, it is binding upon the parties, and such has the full force and affect of the Collective Bargaining Agreement.

NOW, THEREFORE IT IS AGREED THAT:

That as a result of OHIO HB80 and the creation of the Ohio BWC DFSP guidelines that conforms to a new federal government testing model that was effective October 1, 2010 to test for ecstasy, alters the cut-off levels for amphetamines and cocaine, and also adds the acetylmorphine test for heroin confirmation.

The Employer desires to comply with the above changes as part of their voluntary participation in the OHIO BWC DFSP, and as such the levels outlined for controlled substances included in the collective bargaining agreement shall need to be amended in Appendix C.

Replacement Chart for Appendix C page 70 and 71

Cut-Off Levels Accepted* by the Substance Abuse and Mental Health Services Administration (SAMHSA) –

DRUG NAME	Screening Cutoff	Confirmation Cutoff
Amphetamines (AMP/MAMP)	500 ng/ml	250ng/ml
MDMA (Ecstasy)	500 ng/ml	250 ng/ml
Cocaine Metabolite	150 ng/ml	100 ng/ml
Marijuana Metabolite	50 ng/ml	15 ng/ml
Opiates (Codeine / Morphine)	2000 ng/ml	2000 ng/ml

6-Acetylmorphine (Heroin)	10 ng/ml	10 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone**	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300ng/ml

* Cut-off levels may vary slightly depending on the SAMHSA-approved GC/MS which is applied.

** Methaqualone may be removed from panel if not required by a regulatory or overseeing body for compliance.

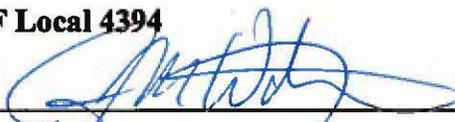
NOTE: Liberty Township reserves the right to require testing for another illicit drug that is not on this list if there is reasonable suspicion that the Employee may be under its influence and therefore safety and productivity may be compromised or if the Township needs to comply with a contract or regulatory authority.

From this date forward the bargaining unit members agree to the above screening and confirmatory cutoff levels and to be governed by the practices outlined in the Article 12 and Appendix C of the collective bargaining agreement. The Township and / or Union reserves the right to recommend revisions to the foregoing Article; however, no such revision(s) shall be implemented or take effect unless mutually agreed by the Employer and the Union. Any amendments or revisions shall be in writing with a memorandum of understanding binding upon the parties. If the parties are unable to agree on the amendments or revision(s), they will be deferred to subsequent negotiations for any successor agreement.

Our drug-free workplace program was initiated at the request of the Township. The Township assumes sole responsibility for the administration of this program and shall be solely liable for any legal obligations and costs arising out of the provisions and / or application of the collective bargaining agreement relating to drug and alcohol testing. The Union shall be held harmless for the violation of any Employee's rights arising from the administration of the drug-free workplace program.

IN WITNESS WHEREOF, the parties have set their hands this 17th of March 2014.

IAFF Local 4394



Liberty Township



