

# MONMOUTH UNIVERSITY POLICE DEPARTMENT POLICIES AND PROCEDURES

**Policy Name: MUPD Drug Testing Policy**

**Original Issue Date: July 11, 2018**

**Revision Date(s): September 26, 2018**

**Page 1 of 18 Page(s)**

**Issued by: William McElrath**

**Chief of Police**

**Approved by:**

**PURPOSE:** To establish procedures for conducting and administering a drug testing program to identify illegal drug use by applicants for sworn law enforcement positions and for sworn law enforcement officers. Newly appointed officers, while attending a basic police academy, will be subject to drug testing as established by that academy. Any issue not specifically noted within this policy shall be determined by the Attorney General's Law Enforcement Drug Testing Policy.

- POLICY:** It shall be the policy of the Monmouth University Police Department to conduct drug tests under the circumstances set forth in this policy for the following personnel:
- A. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6.
  - B. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.
  - C. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
  - D. The *Law Enforcement Drug Testing Policy* does not apply to civilian employees of the Monmouth University Police Department.

## DEFINITIONS:

- A. Sworn Law Enforcement Officer: All sworn employees including ranking officers.
- B. Supervisor: Sworn employees assigned to a position having responsibility for supervising subordinates or responsibility for commanding a work element.
- C. Drug Test: A urinalysis test administered under approved conditions and conducted to detect drugs.
- D. Central Drug Registry: This is a statewide database that is maintained by the New Jersey State Police in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn law enforcement officers who have refused to submit to a drug test or have tested positive for any of the substances delineated in the Attorney General's Law Enforcement Drug Testing Policy.
- E. Random Selection: Random selection shall be defined as a method of selection in which each and every sworn member of the agency regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

## PROCEDURE:

- A. Applicants
  - 1. The Monmouth University Police Department will provide notification to all applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative test result is a condition of employment and **that the consequences of a positive test result or refusal to submit a sample will result in:**
    - a. The applicant being removed from consideration for employment.
    - b. The applicant's name being reported to the Central Drug Registry maintained by the New Jersey State Police.
    - c. Preclude the applicant from being considered for future law enforcement employment for a period of two (2) years from the date of the drug test.

- d. If the applicant is currently employed by another law enforcement agency as a sworn officer and the officer tests positive for drug use, the officer's employing agency will be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his/her name to the Central Drug Registry.

B. Trainees

1. All newly appointed law enforcement officers will be informed that drug testing is mandatory during basic training and that a negative test result is a condition of employment and **that the consequences of a positive test result or refusal to submit a sample shall result in:**
  - a. The trainee shall be immediately dismissed from basic training and suspended from employment.
  - b. Upon final disciplinary action by the department, the trainee shall be terminated from employment as a law enforcement officer.
  - c. The trainee shall be reported to the Central Drug Registry maintained by the New Jersey State Police
  - d. The trainee shall be permanently barred from future law enforcement employment.

C. Sworn Law Enforcement Officers

1. Reasonable suspicion testing
  - a. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the department shall prepare a written report documenting the basis for the reasonable suspicion. The report shall be reviewed by the Chief of Police prior to a test being ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
  - b. The officer tested will be informed that a negative test result is a condition of employment and **that the consequences of a positive test result or refusal to submit a sample shall result in:**
    - The officer shall be immediately suspended from all duties.

- The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
- The officer shall be reported to the Central Drug Registry maintained by the New Jersey State Police.
- The officer being permanently barred from future law enforcement employment in NJ.

## 2. Random Drug Testing

- a. The Monmouth University Police Department will conduct random drug testing upon all sworn personnel regardless of rank or assignment. The method of random selection shall ensure that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place.
- b. There shall be two (2) tests per calendar year with a minimum of ten percent of the sworn officers selected randomly to submit samples during each testing process.
- c. The Chief of Police shall determine the exact dates of the selection.
- d. Selection shall be made randomly utilizing a computer program listing of all sworn personnel by employee identification number.
- e. The selection process will be conducted by the Internal Affairs (IA) Commander and witnessed by the Chief of Police, or his designee, and one representative from the Collective Bargaining Unit of the Monmouth University Police Department.
- f. The IA Commander and each witness shall sign a printed copy of the list of selected social security numbers. The original document shall be maintained in the internal affairs files located in the Chief's office.
- g. Any member of the department who discloses the fact that a random selection has been scheduled to take place prior to the collection of urine specimens or the identity of an officer selected for testing shall be subject to departmental charges.

- c. The officer tested will be informed that a negative test result is a condition of employment and **that the consequences of a positive test result or refusal to submit a sample shall result in:**
- The officer shall be immediately suspended from all duties.
  - The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
  - The officer shall be reported to the Central Drug Registry maintained by the New Jersey State Police.
  - The officer being permanently barred from future law enforcement employment in NJ.

## SPECIMEN ACQUISITION PROCEDURES

### A. Preliminary acquisition procedures

- 1 The Chief of Police will designate a member(s) of the department to serve as monitor(s) of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested (the donor). In the event there is no member of the same gender available from the agency collecting the specimens, the agency may request that a member of the same gender from another law enforcement agency to serve as monitor of the process.
- 2 Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Drug Testing Applicant Notice and Acknowledgment). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
- 3 Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Drug Testing Trainee Notice and Acknowledgement) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in this policy. The form shall also advise the trainee that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall complete a Drug Testing Medication Information form listing all prescription medication, non-prescription (over-the counter) medication, dietary supplements and nutritional supplements that were ingested by the

officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

- 4 Prior to the submission of a urine specimen, an officer shall execute a form (Drug Testing Officer Notice and Acknowledgment) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in this of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

D. Monitor's Responsibilities

1. Monitors of the specimen acquisition process shall be responsible for:
  - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
  - b. Collecting the specimens in a manner that provides the individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
  - c. Complying with the chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission of urine specimens.
  - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory

- to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
    - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
- 2. In order to ensure the accuracy and integrity of the collection process a monitor may:
  - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
  - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
- 3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

#### B. Urine Specimen Collection Procedure

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor allows the donor to select two sealed specimen container kits.
3. The donor unseals both kits and removes the kit contents on a clean surface.
4. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.
5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.

6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to seal the specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
  - a. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. “Shy Bladder” Procedure below)
8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the “Yes/No” column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
9. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall accept the specimens.
10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Submission of Specimens for Analysis below).

C. “Shy Bladder” Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
  - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
  - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.



#### D. Second Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
  - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
  - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
  - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

#### SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.

- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimens in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier using “next day delivery.” Specimens submitted by commercial courier must be packaged to ensure their integrity.
- D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
  - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

## ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cocaine

- Marijuana
  - Methadone
  - Opiates
  - Oxycodone/Oxymorphone
  - Phencyclidine
- C. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form. Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

## DRUG TEST RESULTS

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

## RECORD KEEPING

- A. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. Each agency's drug testing records shall include but not be limited to:
  - 1. All drug testing:
    - a. the identity of those ordered to submit urine samples;
    - b. the reason for that order;
    - c. the date the urine was collected;
    - d. the monitor of the collection process;
    - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
    - f. the results of the drug testing;
    - g. copies of notifications to the subject;

- h. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
    - i. for any positive result or refusal, appropriate documentation of disciplinary action.
- 2. Random drug testing, the records shall also include the following information:
  - a. a description of the process used to randomly select officers for drug testing;
  - b. the date selection was made;
  - c. a copy of the document listing the identities of those selected for drug testing;
  - d. a list of those who were actually tested; and
  - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

#### CENTRAL DRUG REGISTRY

- A. Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test.
- B. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  - 1. Name and address of the submitting agency, and contact person;
  - 2. Name of the individual who tested positive;
  - 3. Last known address of the individual;
  - 4. Date of birth;
  - 5. Social security number;
  - 6. SBI number (if known);

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

# Monmouth University Police Department

## DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGMENT

I, \_\_\_\_\_, understand that as part of the pre-employment process, the Monmouth University Police Department will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis. I understand that a negative drug test result is a condition of employment. I understand that if I refuse to undergo the testing, I will be rejected from employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

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Signature of Applicant

Date

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Signature of Witness

Date

## Monmouth University Police Department

### DRUG TESTING TRAINEE NOTICE AND ACKNOWLEDGMENT

I, \_\_\_\_\_, understand that as part of the program of training at the \_\_\_\_\_, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative drug test result is a condition of my continued attendance at the above listed training program. I understand that if I refuse to undergo the testing, I will be dismissed from the training program and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify my employer of the positive test result. In addition, I will be permanently dismissed from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from serving as a law enforcement officer in New Jersey.

I have read and understand the information contained on this "Trainee Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the academy training program.

\_\_\_\_\_  
Signature of Trainee                      Date

\_\_\_\_\_  
Signature of Witness                      Date





Monmouth University Police Department

Drug Testing Medication Information

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please carefully complete the information below. Check all that apply:

A. During the past 14 days I have taken the following medication prescribed by a physician

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

C. During the past 14 days I have taken No prescription or non-prescription medications

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Social Security Number and Initials

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date