

# Best Practices

## FTA Drug and Alcohol Testing Program

---

December 2007

The enclosed packet of example drug and alcohol policies and procedures is intended to update the original example policies that were first published with the *Best Practices Manual: FTA Drug and Alcohol Testing Program* in March 2002. These example policies have been reviewed and determined to be current and fully-compliant with the revised 49 CFR Parts 40 and 655. Each of the example policies is ordered according to the size and type of employer it pertains to. The last three policies in the packet are template policies that may be adjusted or tailored according to the needs of any employer.

These examples policies are provided for employers that would like to develop their own internal policies and procedures, review the policies and procedures of safety-sensitive contractors or monitor the work performed by consultants. These policies may be used as guides to help employers update or revise their current drug and alcohol testing policies and procedures to be compliant with the amended 49 CFR Parts 40 and 655. Some employers may also wish to use these example policies to expand upon their current drug and alcohol testing policies and procedures for safety-sensitive employees. These policies apply to every safety-sensitive employee as defined in the Federal regulations, and are provided as “best practice” examples only.

For additional information on current U.S. Department of Transportation and Federal Transit Administration drug and alcohol regulations, please refer to the FTA Office of Safety and Security Web site at: <http://transit-safety.volpe.dot.gov> (click Drug & Alcohol). The Office of the Secretary's Office of Drug and Alcohol Policy and Compliance (ODAPC) Web site provides information and interpretations on drug and alcohol policies and regulations, including 49 CFR Part 40. The ODAPC site can be accessed at: <http://www.dot.gov/ost/dapc/index.html>.



## **Appendix A. Example Policies**

*Revised–December 2007*



# **Best Practices**

## **FTA Drug and Alcohol Testing Program**

---

### **Appendix A. Example Policies**

This appendix contains 12 updated and compliant policies for employers that wish to develop their own drug and alcohol policies internally or oversee the work performed by consultants. Each of these policies was reviewed and determined to be compliant with the revised 49 CFR Parts 40 and 655. Each policy is ordered according to the type and size of the respective employer. The updated example policies are as follows:

- (1) Large Transit System–MARTA**
- (2) Rural Paratransit Contractor–Drug-Free Workplace–Lift, Incorporated**
- (3) Medium Transit System–Knoxville Area Transit**
- (4) Large Transit System–Zero Tolerance–Houston Metro**
- (5) Small Transit System–Clermont County**
- (6) City Government–FTA and FMCSA–City of Charlottesville**
- (7) Small Transit System–Athens–Clarke County**
- (8) Large Transit System–San Diego Transit Corporation**
- (9) State DOT–Statewide Policy–Ohio DOT**
- (10) With Second Chance (template policy)**
- (11) No Second Chance (template policy)**
- (12) FTA and FMCSA (template policy)**

For additional information on U.S. Department of Transportation and Federal Transit Administration drug and alcohol policies and regulations, please visit the Office of Drug & Alcohol Policy & Compliance (ODAPC) Web site at: <http://www.dot.gov/ost/dapc/index.html>. Here, you will find helpful information on 49 CFR Part 40, including frequently asked questions and interpretations on Part 40. You may also refer to the FTA Drug and Alcohol Program Web site for current information on testing rates, legislation, and drug and alcohol testing regulations: <http://transit-safety.volpe.dot.gov/DrugAndAlcohol/default.asp>.



## Large Transit System

Metropolitan Atlanta Rapid Transit Authority (MARTA)  
Drug and Alcohol Policy/Program





## **Metropolitan Atlanta Rapid Transit Authority (MARTA) Drug and Alcohol Policy/Program**

**Summary:** MARTA's policy covers a large transit system and is dedicated to providing safe, dependable, and economical transportation services to transit system passengers. MARTA is also dedicated to protecting its most valuable asset, its employees, by providing a healthy and safe working environment. It is MARTA's policy to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner, create a workplace environment free from the adverse effects of drug abuse and alcohol misuse, prohibit the unlawful manufacture, distribution, dispensing possession, or use of controlled substances, and encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**TABLE OF CONTENTS**

<b>1</b>	<b>POLICY STATEMENT .....</b>	<b>3</b>
<b>2</b>	<b>PURPOSE .....</b>	<b>3</b>
<b>3</b>	<b>APPLICABILITY .....</b>	<b>4</b>
<b>4</b>	<b>PROHIBITED SUBSTANCES .....</b>	<b>5</b>
4.1	ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS .....	5
4.2	LEGAL DRUGS .....	5
4.3	ALCOHOL .....	6
<b>5</b>	<b>PROHIBITED CONDUCT .....</b>	<b>6</b>
5.1	MANUFACTURE, TRAFFICKING, POSSESSION, AND USE .....	6
5.2	INTOXICATION .....	6
5.3	ALCOHOL AND DRUG USE .....	6
5.4	COMPLIANCE WITH TESTING REQUIREMENTS .....	7
5.5	VOLUNTARY TREATMENT REQUIREMENTS .....	8
5.6	NOTIFYING MARTA OF CRIMINAL DRUG CONVICTIONS .....	9
5.7	PROPER APPLICATION OF THE POLICY .....	9
5.8	CONFIDENTIALITY .....	9
<b>6</b>	<b>TESTING PROCEDURES.....</b>	<b>10</b>
6.1	OVERVIEW .....	10
6.2	OBSERVED COLLECTIONS.....	11
6.3	BREATH ALCOHOL TESTING.....	12
6.4	EMPLOYEE REQUESTED TESTING .....	12
6.5	PRE-EMPLOYMENT TESTING .....	13
6.6	REASONABLE SUSPICION TESTING .....	13
6.7	POST-ACCIDENT TESTING .....	14
6.8	RANDOM TESTING.....	16
<b>7</b>	<b>Prescription and Over-the-Counter Medication .....</b>	<b>16</b>
7.1	REPORTING OF PRESCRIBED DRUGS .....	16
7.2	PRESCRIBED DRUGS THAT DO NOT NEED TO BE REPORTED .....	17
7.3	PRESCRIBED DRUGS THAT MUST BE REPORTED .....	17
7.4	OVER-THE-COUNTER MEDICATIONS .....	17
7.5	SIDE EFFECTS .....	17
7.6	HOW TO REPORT MEDICATION.....	18
7.7	CONFIDENTIALITY OF RECORDS AND VERIFICATION.....	18
<b>8</b>	<b>EMPLOYEE ASSISTANCE PROGRAM.....</b>	<b>18</b>
8.1	GENERAL.....	18
<b>9</b>	<b>INFORMATION DISCLOSURE .....</b>	<b>19</b>
9.1	PRE-EMPLOYMENT .....	19
9.2	RETENTION AND RELEASE.....	19
<b>10</b>	<b>EMPLOYEE AND SUPERVISOR TRAINING .....</b>	<b>20</b>
10.1	GENERAL.....	20
10.2	SUPERVISORS .....	20
<b>11</b>	<b>PROGRAM CONTACTS.....</b>	<b>21</b>
<b>12</b>	<b>SAFETY-SENSITIVE POSITIONS.....</b>	<b>22</b>
<b>13</b>	<b>NON-SAFETY-SENSITIVE POSITIONS .....</b>	<b>26</b>
<b>14</b>	<b>DRUG AND ALCOHOL FACT SHEETS.....</b>	<b>27</b>
14.1	ALCOHOL .....	27
14.2	AMPHETAMINES .....	29
14.3	CANNABINOIDS (MARIJUANA) .....	31
14.4	COCAINE .....	34
14.5	OPIATES (NARCOTICS) .....	36

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

14.6 PHENCYCLIDINE (PCP)..... 38  
**15 MINIMUM THRESHOLDS ..... 40**  
**16 HEMP PRODUCTS..... 42**  
**17 MEDICATION APPROVAL FORM..... 44**

DRAFT

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

## **1 POLICY STATEMENT**

The Metropolitan Atlanta Rapid Transit Authority (MARTA) is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. MARTA is also dedicated to protecting its most valuable asset, its employees, by providing a healthy and safe working environment. In meeting these goals it is our policy to:

- Ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
- Prohibit the unlawful manufacture, distribution, dispensing possession, or use of controlled substances; and
- To encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

This Drug and Alcohol Policy strengthens and reaffirms our commitment to the safety of our patrons and employees and our dedication to maintaining a Drug Free Workplace by enforcing a zero tolerance to Drug and Alcohol abuse.

## **2 PURPOSE**

The purpose of this policy is to ensure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol misuse programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, that mandates urine drug testing and breath alcohol testing for individuals in safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, “The Drug-Free Workplace Act of 1988,” which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

*This policy identifies the DOT/FTA requirements applicable to safety-sensitive employees covered under 49 CFR Parts 40 and 655 in italics.*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

### **3 APPLICABILITY**

This policy applies to all employees and contractors when they are on MARTA property or when performing any transit related safety-sensitive or non-safety-sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on MARTA premises and will not be permitted to conduct MARTA related business if found to violate this policy.

In addition to being subject to all other elements of this policy, *employees who perform “safety-sensitive functions” for MARTA, as that term is defined in (49 CFR 655.4), are subject to random drug and alcohol testing and other special requirements set forth in this policy. Generally, a safety-sensitive function occurs when an employee is performing, ready to perform or immediately available to perform any duty related to the operation of mass transit services. The following are safety-sensitive functions:*

- *Operating a revenue service vehicle, whether or not such vehicle is in revenue service.*
- *Controlling dispatch or movement of a revenue service vehicle.*
- *Maintaining a revenue service vehicle or equipment used in revenue service. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment.*
- *Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Drivers License (CDL).*
- *Carrying a firearm for security purposes.*
- *Supervising, where the supervisor performs any functions listed in items 1-5 above.*

MARTA has evaluated the actual duties performed by employees in all job classifications and determined which employees perform safety-sensitive functions. A list of identified safety-sensitive positions is included in Section 12 of this policy. Any new job classification will be assessed to determine if the new position is to be considered safety-sensitive.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

## **4 PROHIBITED SUBSTANCES**

Prohibited substances addressed by this policy include the following:

### **4.1 ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS**

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legal prescribed drugs, and use of illegally obtained prescription drugs.

*Under 49 CFR 655.21, all safety-sensitive employees will be tested for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, and random. The following drugs must be tested for in each urine specimen: marijuana, cocaine, amphetamines, opiates, and phencyclidine. Illegal consumption of these products is prohibited at all times.*

### **4.2 LEGAL DRUGS**

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before performing work related duties. Employees are strongly urged to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect his/her ability to perform safety-sensitive duties.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. The misuse or abuse of legal drugs while performing MARTA business is prohibited. For DOT drug testing, if the MRO determines that an employee has a legitimate medical reason for the presence of a prohibited drug in their urine specimen, the MRO will report the test result as negative to MARTA. However, the MRO may also medically disqualify an employee from performing safety-sensitive duties because of medication use. For further information, see 49 CFR 40.135(d).

The use of medical marijuana and hemp products that present levels of drugs or drug metabolites above the DOT minimum thresholds is considered a violation of this policy. Additional information regarding legal drug use and the use of hemp products is provided in Section 15, 16, and 17 of this document.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

4.3 ALCOHOL

The consumption/use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing MARTA business is prohibited.

**5 PROHIBITED CONDUCT**

5.1 MANUFACTURE, TRAFFICKING, POSSESSION, AND USE

Pursuant to the Drug-Free Workplace Act of 1988, all transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on Authority premises, in Authority vehicles, or while on Authority business. **Employees who violate this provision will be immediately discharged. Law enforcement will be notified, as appropriate, where criminal activity is suspected.**

5.2 INTOXICATION

Any safety-sensitive or non-safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, or not fit for duty shall be suspended without pay from job duties pending an investigation and verification of condition. **Employees who fail to pass a drug and/or alcohol test shall be removed from duty immediately and discharged.** *A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.*

5.3 ALCOHOL AND DRUG USE

*Under 49 CFR 655.31, all safety-sensitive employees will be tested for alcohol in the following circumstances: post-accident, reasonable suspicion, and random. All safety-sensitive applicants and transfers into safety-sensitive positions will also be pre-employment tested for alcohol.*

*No safety-sensitive or non-safety-sensitive employee is permitted to report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.02 or greater. No safety-sensitive or non-safety-sensitive employee shall consume alcohol while on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive employee shall consume alcohol within four (4) hours of reporting for duty, or during the hours they are on call.*

*All safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. **Employees violating these provisions will be discharged.** Any safety-sensitive or non-safety sensitive*



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

*employee with a confirmatory breath alcohol test result of 0.02 or greater will be immediately removed from duty. Under MARTA policy, a safety-sensitive employee with a confirmatory breath alcohol test result with a concentration of .02 or greater, but less than .04 will be immediately removed without pay for the remainder of their shift and will be suspended without pay until their next shift or for a minimum of eight hours which ever is greater. Prior to returning to work, the safety-sensitive employee must submit to and pass a DOT breath alcohol retest (concentration of .02 or less). **The inability to perform a safety-sensitive or non-safety-sensitive duty due to a confirmatory breath alcohol test result of 0.02 or greater but less than 0.04 will be considered an unexcused absence and subject to MARTA's disciplinary procedures** A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and in violation of this policy and the requirements in 49 CFR Part 655 for safety-sensitive employees.*

#### 5.4 COMPLIANCE WITH TESTING REQUIREMENTS

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. **Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately and discharged.** *Observed collections will be conducted as outlined under Section 6.2 of this policy and in compliance with 49 CFR 40.67. **An MRO verified adulterated or substituted drug test result will result in discharge.** The following circumstances constitute a test refusal by an applicant/employee:*

- *All employees are required to depart for drug/alcohol testing immediately upon notification. Any employee, who fails to report to the testing center (except for pre-employment testing) within a reasonable time, as determined by MARTA, will be subject to disciplinary action up to and including discharge. All employees who fail to report for a drug/alcohol test will be discharged;*
- *Fail to remain at the testing site until the testing process is complete (for pre-employment testing, the testing process does not begin until the donor receives the specimen collection cup for the drug test or the mouthpiece is selected for the breath alcohol test);*
- *Fail to provide a urine and/or breath specimen for any DOT required drug and/or alcohol test (for pre-employment testing, the testing process does not begin until the donor receives the specimen collection cup for the drug test or the mouthpiece is selected for the breath alcohol test);*
- *Fail to sign the certification at Step 2 of the Alcohol Test Form;*
- *In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the employees provision of a specimen;*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

- *Fail to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;*
- *Fail or decline to take a second test that MARTA or the collector has directed the employee to take;*
- *Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures (this does not apply to pre-employment testing unless the test is conducted following a contingent offer of employment);*
- *Fail 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);*
- *An MRO verified adulterated or substituted drug test result.*

*Random and reasonable suspicion drug testing can be performed any time a safety-sensitive employee is on duty. Random and reasonable suspicion alcohol testing can only be performed when a safety-sensitive employee is actually performing a safety-sensitive duty, just before, or just after the performance of a safety-sensitive duty. Under MARTA policy, reasonable suspicion testing can only be performed given documented suspicion as described in Section 6.6 of this policy.*

#### 5.5 VOLUNTARY TREATMENT REQUIREMENTS

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under MARTA’s policy, any employee who **voluntarily discloses** a substance abuse problem **before a disciplinary matter develops and/or before** notification for a required test, will be subject to return to duty and follow-up testing under MARTA authority (using non-DOT testing paperwork). The purpose of the return to duty testing is to provide a degree of assurance that the employee is drug and alcohol free, i.e., the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse.

The employee **must** be referred to EAP and evaluated by a substance abuse professional and pass a return to duty test. A return to duty test will include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions. Once returned and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of follow-up testing from the EAP/substance abuse professional. **Any employee who refuses or fails to comply with requirements for treatment, after care, or return to duty shall be discharged.** The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

Any follow up testing will be apart and in addition to participation in the random testing program.

#### 5.6 NOTIFYING MARTA OF CRIMINAL DRUG CONVICTIONS

Under the Drug Free Workplace Act, all employees are required to notify MARTA of any criminal drug statute conviction, for a violation occurring in the workplace, within five days after such conviction. **Failure to comply with this provision shall result in discharge.** MARTA will notify FTA of any employee criminal drug statute conviction within 10 days of notification of the conviction.

#### 5.7 PROPER APPLICATION OF THE POLICY

MARTA is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. **Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination of employment.**

#### 5.8 CONFIDENTIALITY

MARTA affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential file that will be kept under the control of the Drug and Alcohol Program Manager and Wellness Coordinator. The reports or test results may only be disclosed without the employee's consent when:

- The information is compelled by law or by judicial or administrative process;
- The information has been placed at issue in a formal dispute between the employee and employer.

In all other cases the employee must sign a separate release every time substance testing information is to be disclosed. The employee must sign releases anytime information is to be released to the employee, union representative, subsequent employers, and to any other third party designated by the employee.

All records will be maintained in accordance with 49 CFR Parts 40 and 655.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

## **6 TESTING PROCEDURES**

### **6.1 OVERVIEW**

*Urine drug testing and breath testing for alcohol may be conducted under MARTA policy or as required by federal regulations. All safety-sensitive employees shall be subject to pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing as defined in other sections of this policy.*

*Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures in 49 CFR Part 40, as amended. Copies of 49 CFR Part 40 are available for review by the employees from **DAPM in the Department of Human Resources**. An electronic version of 49 CFR Part 40 is also available for download at the Office of Drug and Alcohol Policy and Compliance website (<http://www.dot.gov/ost/dapc/index.htm>). The collection procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.*

*DOT regulations only permit urine testing for the following five drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a Federal Drug Testing Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens with non-negative initial drug screen results, confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR 40.87. Policy Section 15 lists the minimum thresholds established for each drug and/or its metabolites.*

*All drug testing laboratory results will only be reported to a Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test. Before verifying that an employee has a positive test result, the MRO is responsible for contacting any such employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate medical explanation for the positive test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive, substituted or adulterated laboratory result. If no legitimate medical explanation exists to explain the test result, the test will be verified positive, substituted, or adulterated and reported to MARTA's Designated Employer Representative (DER). If the MRO determines that an employee has a legitimate explanation for a positive test result, the MRO will report the test result as negative. An MRO staff person may make the initial contact with the employee to set-up an*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

*appointment to speak with the MRO, but only the MRO is permitted to discuss the test result with the employee. If, after reasonable efforts (three (3) times in 24 hours), the MRO/MRO staff is unable to reach the employee directly, the MRO will contact MARTA's DER for assistance in contacting the employee. MARTA's DER will take maximum precautions to preserve the confidentiality to the MRO contact.*

*If after making all diligent and reasonable efforts, neither the MRO nor MARTA's DER are able to contact the employee within ten (10) days of the date the MRO received the positive test result from the laboratory, the MRO will verify the test result as positive.*

*The MRO will also verify a test result as positive if the employee does not contact the MRO within 72 hours of being contacted by MARTA's DER or the employee expressly declines the opportunity to discuss the test result.*

*The MRO may reopen the verification of a positive test result if the employee presents an reason acceptable to the MRO to do so (e.g., documentation of serious injury or illness or other circumstances that unavoidably prevented the employee from being contacted within the designated time period). If the employee then presents a legitimate (in the MRO's opinion) explanation for the positive test, the MRO shall declare the test to be negative.*

Any safety-sensitive applicant/employee with a dilute negative test result (creatinine  $\geq$  5 mg/dL) will be directed by the DER to undergo an immediate second unobserved collection.

## 6.2 OBSERVED COLLECTIONS

*Consistent with the requirements in 49 CFR 40.67, an immediate urine specimen collection under direct observation (by a person of the same gender) with no advance notice will be conducted if any of the following situations occur:*

- *The DHHS-certified laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the DER that there was no adequate medical explanation for the results.*
- *The MRO reports to the DER that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.*
- *MARTA may direct an employee to provide a specimen a urine specimen under direct observation for return-to-duty and follow-up drug tests.*
- *The collector, must immediately conduct a collection under direct observation if they are directed by the DER to do so; or*
- *The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or*
- *The temperature of the original specimen provided was outside the acceptable temperature range of 90-100 °F; or*
- *The original specimen appeared to have been tampered with; or*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

- *The MRO directs MARTA to conduct a second specimen collection under direct observation because the creatinine concentration of an applicant/employee's initial specimen provided was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL.*

### 6.3 BREATH ALCOHOL TESTING

Breath alcohol testing will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). *All breath alcohol test results will be reported only by an MRO or BAT to the Designated Employer Representative (DER). If the initial test indicates a breath alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive or non-safety-sensitive employee who has a confirmatory breath alcohol test result of 0.02 or greater will be immediately removed from duty.* Under MARTA policy, a safety-sensitive employee with a confirmatory breath alcohol test result with a concentration of .02 or greater, but less than .04 will be immediately removed without pay for the remainder of their shift and will be suspended without pay until their next shift or for a minimum of eight hours which ever is greater **The inability to perform a safety-sensitive or non-safety-sensitive duty due to a confirmatory breath alcohol test result from 0.02 to 0.039 will be considered an unexcused absence and subject to MARTA's disciplinary procedures.** *A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and a violation of this policy and federal requirements in 49 CFR Part 655.*

***Any safety-sensitive or non-safety-sensitive employee with a confirmed positive drug test result, confirmatory breath alcohol test result of 0.04 or greater, or refuses to submit to a drug or alcohol test (see policy Section 5.4) will be immediately removed from their safety-sensitive position, discharged, and referred to a Substance Abuse Professional (SAP) for assessment and referral in accordance with 49 CFR Part 40.***

Non-safety-sensitive employees are exempt from FTA regulations included in this policy, but are governed under MARTA's own policy and testing authority.

### 6.4 EMPLOYEE REQUESTED TESTING

*Any safety-sensitive or non-safety sensitive employee who questions a positive, adulterated or substituted test result of a required drug test identified in this policy may request that the split sample be tested. This test must be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. If an employee requests split sample testing, the split sample test will occur regardless of up-front payment, but MARTA reserves the right to seek reimbursement from the employee unless the result of the split sample testing invalidates the result of the original test. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

*accepted if the delay was due to documentable facts that were beyond the control of the employee. Non-safety-sensitive employees are exempt under FTA regulations, but MARTA's own policy authority regulates adherence.*

#### 6.5 PRE-EMPLOYMENT TESTING

*All safety-sensitive position applicants or transfers from non-safety sensitive to safety-sensitive positions shall undergo urine drug testing (following procedures set forth in 49 CFR 655.41 and 49 CFR Part 40, Subparts C-I) prior to hire or transfer into a safety-sensitive position. Under MARTA's own policy, all safety sensitive applicants and transfers shall undergo breath alcohol testing following a contingent offer of employment or transfer. Alcohol testing will be conducted using the alcohol testing procedures set forth in 49 CFR Part 40. Receipt by MARTA of a verified negative drug test result and a negative breath alcohol test result (<0.02 BAC) is required prior to employment. **A verified positive pre-employment drug and/or alcohol test will disqualify an applicant for employment.** Any safety-sensitive applicant who undergoes a pre-employment test, but is not actually assigned safety sensitive duties within 90 days from the date of the test, will have to retest with negative test results prior to the applicant's first performance of safety-sensitive duties.*

Under MARTA's policy, a pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position.

*All safety sensitive employees who have not performed a safety-sensitive function for 90 or more consecutive calendar days, regardless of the reason, AND HAVE BEEN OUT OF THE RANDOM TESTING POOL DURING THAT TIME PERIOD, must successfully pass a pre-employment drug and alcohol test prior to the performance of ANY safety-sensitive function.*

**Any safety-sensitive employee that has a confirmed positive pre-employment drug and/or alcohol test will be discharged.**

#### 6.6 REASONABLE SUSPICION TESTING

*A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous, (happening at that moment), articulable observations concerning the appearance, behavior, speech, or body odor of the safety sensitive employee. Examples of reasonable suspicion include, but are not limited to, the following:*

- *Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.*

All safety-sensitive and non-safety-sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting his/her job performance. Additional examples

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

of reasonable suspicion under MARTA's policy include, but are not limited to, the following:

- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
- Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
- Fights (to mean physical contact), assaults, and flagrant disregard or violation of established safety, security, or other operating procedures.

*Reasonable suspicion referrals must be made by a supervisor or company official who is trained to detect the physical signs and symptoms, facts, circumstances, physical evidence, or patterns of performance and/or behaviors associated with drug use and/or alcohol misuse. If two supervisors, trained to identify the signs and symptoms of drug and alcohol use, reasonably conclude that objective facts may indicate drug use or alcohol misuse, this will be sufficient justification for testing. One supervisor will complete the "Reasonable Suspicion" form, but at least two trained supervisors may participate in the reasonable suspicion determination. Under MARTA policy, a supervisor or other MARTA authorized official may make reasonable suspicion referrals for non-DOT tests.*

*A reasonable suspicion test for drugs can be conducted anytime a safety sensitive employee is on duty. A reasonable suspicion test for alcohol can only be conducted when the observations are made during, just preceding, or just after the performance of safety-sensitive functions. Apart from FTA regulation, all MARTA employees and contractors as identified in Policy Section 3, "Applicability," may be subject to reasonable suspicion test under MARTA's policy.*

#### 6.7 POST-ACCIDENT TESTING

*All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an FTA accident with a MARTA Transit vehicle (regardless of whether or not the vehicle is in revenue service). Accident as defined by the FTA is an occurrence associated with the operation of a vehicle, if as a results of:*

- *An individual dies (fatality);*
- *An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;*
- *Mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles including non-FTA funded vehicles incur disabling damage as the results of the accident and the vehicle or vehicles are towed from the scene by a tow truck or other vehicle; and*
- *Mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operations.*



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

*In the case of a fatality, each surviving safety-sensitive employee operating the vehicle at the time of the accident must be tested as well as any other safety-sensitive employees not on the vehicle, whose performance could have contributed to the accident (based upon the best information available at that time).*

*An accident could be the result of a collision with another vehicle or pedestrian, or it could be associated with an incident that occurs on the vehicle without any contact with another vehicle.*

*In a non-fatal accident, all safety sensitive employees operating the vehicle at the time of the accident will be tested unless it is determined the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident will also be tested. The decision regarding being "completely discounted" will be made by the supervisor on the scene based upon the best information available at the time of the incident.*

Accidents involving safety-sensitive management and non-safety sensitive employees during the use of non-revenue vehicles may be subject to post accident testing under MARTA's policy.

*Following a covered accident, the safety-sensitive employee will be tested as soon as possible. If the alcohol test is not administered within two (2) hours of the accident, the supervisor or DER must prepare and maintain on file a "Post Accident" form stating the reason the test was not promptly administered. If an alcohol test was not administered within eight (8) hours following the accident, all attempts to administer the test must cease and the DER must document the "Post Accident" form.*

*All safety-sensitive employees must be tested within 32 hours of the accident for drug testing.*

*Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. **Any safety-sensitive employee who does not remain available for testing or leaves the scene of the accident without a justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and the employee will be discharged.** Employees tested under this provision will include not only the operator, but also any other covered employee whose performance could have contributed to the accident.*

*Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a safety-sensitive employee from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain the necessary emergency medical care. However, any employee under the above circumstance who fails to remain readily available for drug or alcohol testing (including notifying MARTA of his/her location) or who otherwise*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

*leave the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused the test.*

*If MARTA is unable to perform a FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the transit system may use drug and alcohol post-accident test results administered by State and local law enforcement officials (49 CFR Part 40). The State and local law enforcement officials must have independent authority for the test and MARTA must obtain the results in conformance with State and local law.*

## 6.8 RANDOM TESTING

*The FTA regulation (49 CFR 655.45) requires random (unannounced) testing of drugs and alcohol for all safety-sensitive employees. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Based upon MARTA's operations, random testing is conducted on all days and hours during which safety-sensitive functions are performed.*

*All safety-sensitive employees can be tested at any time during an employee's shift (i.e. beginning, middle, and end). Employees are required to proceed immediately and directly to the collection site upon notification of their random selection. **Under MARTA policy, any employee who does not proceed immediately to the testing center when notified, or who fails to report to the testing center within one hour of notification, will be placed on medical hold without pay until the DER investigates the late report. The DER will require a written, signed statement from the employee documenting the circumstances of employee's situation. Failure to proceed immediately for testing or taking greater than one hour to report for testing can result in disciplinary action up to and including discharge. All employees who fail to report for a drug test will be discharged.***

*All safety-sensitive employees with a MRO verified positive on a drug or alcohol test will be immediately removed from their safety-sensitive position discharged and referred to a Substance Abuse Professional (SAP), in accordance with 49 CFR 655.*

## 7 PRESCRIPTION AND OVER-THE-COUNTER MEDICATION

### 7.1 REPORTING OF PRESCRIBED DRUGS

In the interest of protecting employees and the general public, safety-sensitive employees must make sure that any prescribed drug or any combination of drugs being taken will not adversely impact their job performance. The prescribing licensed medical practitioner must approve the medication to ensure that the employee's job duties can be performed safely. This approval must be reported in writing to MARTA. A copy of the Medication Approval Form is provided in Section 17 of this policy or employees can

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

obtain a Medication Approval Form from the Wellness Coordinator at x4285 or online via MARTANET.

**7.2 PRESCRIBED DRUGS THAT DO NOT NEED TO BE REPORTED**

Drugs on the Medication Approval Form listed under the section titled “Drugs That Do Not Need To Be Reported” do not need to be reported, whether taken alone or in combination with other drugs that do not need to be reported. This includes antibiotics, birth control pills, vitamins, local dental injections, creams, ointments, and lotions. When using a drug that does not need to be reported, it is the employee’s responsibility to make sure that the drug taken is exactly the same as the drug on the list. (See Section 17 for a list of these drugs.)

**7.3 PRESCRIBED DRUGS THAT MUST BE REPORTED**

Safety-sensitive employees must report prescribed drugs listed under the section of the Medication Approval Form titled “Mandatory Reportable Drugs With Restrictions” or any other drug that is not listed on the form. When reporting prescribed drugs all other prescribed drugs being taken at the same time must also be approved and reported. (See Section 17 for a list of these drugs.)

**7.4 OVER-THE-COUNTER MEDICATIONS**

It is the responsibility of safety-sensitive employee, when selecting an over-the-counter medication, to read all warning labels before selecting it for use while in a working status. Medications whose labels indicate they may affect mental functioning, motor skills or judgement should not be selected. The advice of a pharmacist, if available at the purchase site may be helpful in making a selection appropriate to the employee’s job duties. If no alternate medication is available for the condition, employees should seek professional assistance from their pharmacist or physician. Ultimately, the employee may be the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to refrain from using any over-the-counter medication that causes performance altering side effects, whether or not the label warns of them. Although safety-sensitive employees are not required to provide written notice to the Authority when using over-the-counter medications it is highly recommended that the employee confer with his/her physician regarding the possibility of adverse side effects that may impair job performance.

**7.5 SIDE EFFECTS**

Employees who experience medication side effects or do not feel fit for duty, regardless of medications or previous approvals, must consult their personal physician and immediately refrain from performing hazardous activities, including all safety-sensitive functions.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

7.6 HOW TO REPORT MEDICATION

To report a medication, the employee's licensed medical practitioner must read and sign the Medication Approval Form. Employees should bring a medication approval form with them when they visit their doctor. This form must be returned to MARTA's Wellness Coordinator prior to resuming safety-sensitive functions. Forms may be hand delivered, mailed, or faxed. Contact information for MARTA's Wellness Coordinator is provided in Section 11 of this Policy.

Employees have the responsibility to explain their job duties to their medical practitioner and ensure that the use of prescribed medication will not pose a safety risk to themselves, other employees, or the general public. It is recommended that the employee provide the medical professional with a copy of their current job description. Copies of job descriptions may be obtained by contacting MARTA's compensation Office at 404-848-5518 or 404-848-5801.

**If the employee's use of a prescription or over-the-counter drug endangers the employee, other employees or the public, or has contributed to an accident, the employee will be subject to discipline, including discharge, under MARTA policy.**

7.7 CONFIDENTIALITY OF RECORDS AND VERIFICATION

Medication Approval Forms will be kept in a confidential medical file under the control of the Wellness Coordinator and may be verified by MARTA's medical advisors. If an employee's personal physician and MARTA's medical advisor differ regarding use of a medication, the Wellness Coordinator will work with the employee's medical practitioner and the Authority's medical advisor to resolve the disagreement.

**8 EMPLOYEE ASSISTANCE PROGRAM**

8.1 GENERAL

MARTA's Employee Assistant Program offers help for employees to improve or maintain job performance by solving personal problems. A component of that program is to help employee who have some type of personal problem related to addiction (drugs & alcohol). Refer to section 5.5 for voluntary treatment requirements and MARTA's EAP policy on the MARTAnet, reference # III.L. The EAP contact is also noted in this policy in Section 11.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

## **9 INFORMATION DISCLOSURE**

### **9.1 PRE-EMPLOYMENT**

*To be considered for employment, all applicants will be asked to give consent to MARTA for a background check of their previous DOT covered employer(s) over the past two years as defined by 49 CFR 40.25. Information requested will include:*

- *Alcohol test results of 0.04 or higher alcohol concentration*
- *Verified positive drug tests*
- *Refusals to be tested (including verified adulterated or substituted drug test results)*
- *Other violations of DOT agency drug and alcohol testing regulations*
- *Information obtained from previous employers of a drug and alcohol rule violation*
- *With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests)*

### **9.2 RETENTION AND RELEASE**

*All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Information will only be released in the following circumstances:*

- *To a third party only as directed by specific, written instruction of the employee;*
- *To the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;*
- *To a subsequent employer upon receipt of a written request from the employee;*
- *To the National Transportation Safety Board during an accident investigation;*
- *To the DOT or any DOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed-guideway systems;*
- *To the employee, upon written request;*
- *Records will be released if requested by a Federal, State or local safety agency with regulatory authority over MARTA or the employee;*
- *If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 necessary legal steps will be taken by the Authority to contest the issuance of the order.*

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**10 EMPLOYEE AND SUPERVISOR TRAINING**

10.1 GENERAL

*All safety sensitive employees will undergo a minimum of one hour of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.*

10.2 SUPERVISORS

*Supervisors will also receive in addition to the above training one hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.*

Information on the signs, symptoms, health affects and consequences of alcohol misuse is present in Section 14.

DRAFT

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**11 PROGRAM CONTACTS**

Any questions regarding this policy or any aspect of the drug and alcohol program should be directed to one of the following MARTA representatives:

**PROGRAM MANAGERS**

Name: Deborah Avery, M.Ed.  
Title: Manager of Employee Development & Wellness  
Address: 2424 Piedmont Rd., NE, Atlanta, Georgia 30324  
Telephone Number: 404-848-5941  
FAX Number: 404-848-4222

**Or**

Name: Phyllis W. Lee, MS, CVE, CCM  
Title: Supervisor-Transitional Employment & Wellness  
Address: 2424 Piedmont Rd., NE, Atlanta, Georgia 30324  
Telephone Number: 404-848-4516  
FAX Number: 404-848-5717

**PROGRAM COORDINATOR (DER)**

Name: Kim DeJarnette  
Title: Wellness Coordinator  
Address: 2424 Piedmont Rd., NE, Atlanta, Georgia 30324  
Telephone Number: 404-848-4285  
FAX Number: 404-848-4476

**MEDICAL REVIEW OFFICER (MRO)**

Name: Dr. Alton Greene, M.D.  
Title: Caduceus Occupational Medicine  
Address: 145 North Ave., Atlanta, Georgia 30308  
Telephone Number: 404-607-7677  
FAX Number: 404-607-7858

**EMPLOYEE ASSISTANCE PROGRAM**

Name: Cameron & Associates, Inc.  
Address: 6100 Lake Forest Drive, Suite 550  
Telephone Number: (404) 843-3399; 1-800-334-6014  
[www.caiquality.com](http://www.caiquality.com)

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**12 SAFETY-SENSITIVE POSITIONS**

*EMPLOYEES SUBJECT TO ALL TYPES OF TESTING TO INCLUDE FTA/DOT TESTING PROVISIONS*

OPERATE VEHICLES CRITICAL TO THE SAFETY OF THE TRAVELING PUBLIC

5OPR3588NU	SMALL BUS OPERATOR FT
5OPR3587NU	SMALL BUS OPERATOR PT
5OPR7056NU	BUS OPERATOR
5OPR7065NU	BUS OPERATOR - PART TIME
8CHF3340EN	CHF INSTRUCTOR-BUS TRANS TRNG
6CHF7221EN	CHIEF RAIL TRAINING INSTRUCTOR
5INS7175EN	INSTRUCTOR BUS OPERATIONS
5INS3022EN	INSTRUCTOR RAIL TRANSPORTATION
5INS3063EN	LEAD INSTRUCTOR RAIL TRANSPORT
5OPR7648NU	P.T. PARATRANSIT OPERATOR
5OPR7647NU	PARATRANSIT OPERATOR
5OPR7055NU	RAIL OPERATOR
5OPR7935NU	STUDENT BUS OPERATOR (FT)
5OPR7934NU	STUDENT BUS OPERATOR (NH)
5OPR7936NU	STUDENT BUS OPERATOR (PT)
5OPR3225NU	STUDENT PARATRANSIT OPERATOR
5SUP3613SN	SUPV RAIL YARD TOWER
5SUP7889SN	SUPV BUS TRANSPORTATION
5SUP3010SN	SUPV PARATRANSIT CERTIFIED
6TEC7253NN	TECHNICAL ASSISTANT

DISPATCH OR CONTROL REVENUE SERVICE VEHICLES

4AGM3287EN	AGM BUS OPERATIONS
5BLK7047NU	BUS DISPATCHER (BLOCKOUT)
5INS7925EN	CHIEF INSTRUCTOR CONTROL CTR
5ADM7932NN	COMMUNICATIONS SPECIALIST
1PRO3040EN	CONSTRUCTION SAFETY OFFICER
5DIR7394EN	DIR BUS MAINTENANCE
5DIR1660EN	DIR BUS TRANSPORTATION
5DIR3412EN	DIR PARATRANSIT & SPECIAL SVCS
5DIR2315EN	DIR RAIL TRANSPORTATION
5DSP2320SN	DISPATCHER-RAIL TRANSPORTATION
5DSP7645SN	DISPATCHER PARATRANSIT
5DSP1735SN	DISPATCHER RADIO COMMUNICATIONS
5DSP1740SN	DIVISION DISPATCHER
5ENG1840EN	ENVIRONMENTAL SAFETY OFFICER
1DIR3406EN	EXECUTIVE DIR SAFETY
2ENG0290EN	FIELD INSPECTOR
5MGR7798EN	GEN SUPT BUS TRANS OPERATIONS
5MGR7799EN	GEN SUPT BUS TRANS SVC
5MGR7785EN	GEN SUPT CONTROL CENTER



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

5MGR7803EN	GEN SUPT PARATRANSIT
5MGR7544EN	GEN SUPT RAIL LINE
5MGR3325EN	GEN SUPT RAIL SERVICE OPERATNS
5MGR7806EN	GEN SUPT RAIL TRANSPORTATION
5MGR3003EN	ASST SUPT RADIO COMMUNICATION
1PRO3006EN	INDUSTRIAL SAFETY OFFICER
5ADM7628NN	PARATRANSIT SCHEDULER II
5ADM7724NN	PARATRANSIT SCHEDULER I
1PRO3118EN	SAFETY OFFICER
4PRO7903EN	SAFETY OFFICER-OPERATIONS
1DIR3583EN	SR DIR OPERATIONS MAINT
1DIR3582EN	SR DIR OPERATIONS TRANSPORT
5PRO7725EN	SR PARATRANSIT SYS DATA SPEC
5INS7925EN	SR INSTRUCTOR RAIL CONTROL CTR
5MGR7828EN	SUPT BUS COMMUNICATIONS CENTER
5MGR7381EN	SUPT BUS TRANSPORTATION
5MGR7786EN	SUPT CONTROL CENTER
5MGR7815EN	SUPT PARATRANSIT OPERATIONS
5MGR7805EN	SUPT RAIL LINE
5MGR7845EN	SUPT RAIL TRANSPORTATION
5MGR3441EN	SUPT YARD OPERATIONS
5SUP7642SN	SUPV PARATRANSIT OPERATIONS
5SUP7872EN	SUPV PARATRANSIT SCHEDULINT
5SUP7850SN	SUPV RAIL SERVICES

MAINTAIN VEHICLES OR EQUIPMENT CRITICAL TO THE SAFETY OF THE TRAVELLING PUBLIC

5MNT7044NU	AA INSPECTOR
5MNT3198NU	APPRENTICE AUTOMOTIVE TECH
5MNT7050NU	APPRENTICE BODY REPAIR
5MNT3093NU	APPRENTICE ET POWER
5MNT3126NU	APPRENTICE ET-COMPUTERS
5MNT3130NU	APPRENTICE ET-RADIO MAINT
5MNT3129NU	APPRENTICE ET-RAIL CAR MAINT
5MNT3131NU	APPRENTICE ET-TRAIN CONTROL
5MNT7051NU	APPRENTICE MACHINIST
5MNT7027NU	APPRENTICE MECHANIC
5MNT7024NU	APPRENTICE MECHANIC
5ENG3104EN	BUS MECH/ELEC. ENGINEER
4CHF3349EN	CHF OPERATNS PERF. ANALYSIS
8CHF3338EN	SR INSTRUCTOR-BUS MAINT TRNG
8CHF3339EN	SR INSTRUCTOR-RAIL MAINT TRNG
9CON3614SN	CONTRACT EMP/SAFETY SENSITIVE
9CON3615SN	CONTRACT MGMT/SAFETY SENSITIVE
9CON7346NN	CONTRACT EMP/TECHNICIAN
9TMP7792NN	CONTRACT FLAGPERSON
5MNT7048NU	DYNAMOMETER OPERATOR
9ENG3141EN	ELECTRICAL ENG. VI-RAIL CAR
9ENG0410EN	ELECTRICAL ENGINEER IV
9ENG1895EN	ELECTRICAL ENGINEER V

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

9ENG0415EN	ELECTRICAL ENGINEER VI
4ENG7891EN	ELECTRICAL MAINTENANCE ENG
6PRO7224SN	ELECTRICAL MAINTENANCE INSPECT
5SUP1935SN	FOREMAN BUILDING/SUPPORT EQUIP
5SUP2135SN	FOREMAN COMMUNICATIONS
5SUP2140SN	FOREMAN COMPUTER MAINTENANCE
5SUP2145SN	FOREMAN FARE GATE MAINTENANCE
5SUP1950EN	GEN FOREMAN TRACK
5MGR7809EN	GEN SUPT BUS MAINT
5MGR7800EN	GEN SUPT HEAVY MAINT
5MGR7787EN	GEN SUPT RAIL CAR MAINTENANCE
5MGR7788EN	GEN SUPT RAIL CAR REHAB
5MNT7052NU	INSPECTOR
5INS2190EN	INSTRUCTOR AUTO TRAIN CONTROL
5INS2190SN	INSTRUCTOR AUTO TRAIN CONTROL
5INS7527EN	INSTRUCTOR BUS TECH/ENVIRON
5INS1760EN	INSTRUCTOR BUS TECHNICAL
5INS3005EN	INSTRUCTOR ELECTRIC POWER
5INS3021EN	INSTRUCTOR CAR MAINT/ELECTRON
5INS3022NN	INSTRUCTOR RAIL OPERATIONS
5INS3015EN	INSTRUCTOR CAR MAINT/MECH
5INS3020EN	INSTRUCTOR CENTRAL MAINTENANCE
5INS7334EN	INSTRUCTOR TRACK
5MNT7374NU	JOURNEYMAN AUTOMOTIVE TECH
5MNT7021NU	JOURNEYMAN BODY REPAIR
6MNT7335NU	JOURNEYMAN ELEC/POWER ELECTRIC
6MNT7336NU	JOURNEYMAN ELEC/POWER TECHNICAL
5MNT7023NU	JOURNEYMAN ELECTRONIC TECH
5MNT3121NU	JOURNEYMAN ET-COMPUTER MAINT
5MNT3120NU	JOURNEYMAN ET-FAREGATE MAINT
5MNT3134NU	JOURNEYMAN ET-LABORATORY
5MNT3124NU	JOURNEYMAN ET-RADIO MAINT
5MNT3123NU	JOURNEYMAN ET-RAIL CAR MAINT
5MNT3122NU	JOURNEYMAN ET-TELEPHONE MAINT
5MNT3125NU	JOURNEYMAN ET-TRAIN CONTROL
5MNT7025NU	JOURNEYMAN MACHINIST
5MNT7029NU	JOURNEYMAN MECHANIC
5MNT7020NU	JOURNEYMAN OVERHAULER
5MNT7388NU	JOURNEYMAN RAIL CAR MECHANIC
5MNT3049NU	JOURNEYMAN TRACK MECHANIC
5MNT7022NU	JOURNEYMAN WELDER
5CHF7533EN	LEAD INSTRUCTOR BUS MAINT
5INS3027EN	LEAD INSTRUCTOR CAR MAINT/ELEC
5MNT7652NU	MECHANIC-PARATRANSIT
1MGR3309EN	MGR SYSTEM SAFETY
5MGR2220EN	MGR TRAIN CONTROL
5SVC7330NU	P/T RAIL CAR CLEANER
4PRO3335EN	QA ENGINEER
9ENG7234EN	QA ENGINEER IV
4PRO3336EN	QA ENGINEER RECEIVING

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

9ENG7247EN	QA ENGINEER V
9ENG3193EN	QA ENGINEER V - RECEIVING
9ENG3192EN	QA ENGINEER V - SYSTEMS
2ENG0710EN	QA ENGINEER VI
9ENG7246EN	QA ENGINEER VI
9ENG3271EN	QA ENGINEER VI - TEST
4PRO3334EN	QA SPECIALIST
4PRO3353EN	OPERATIONS BUDGET COORDINATOR
4PRO3354EN	OPERATIONS PROJECT ANALYST
5SVC7498NU	RAIL CAR CLEANER
4PRO3401SN	RAIL SERVICES CONTROLLER
4-PRO3608EN	PROGRAM MANAGER ORG EFFICIENCY
2ENG3211EN	STRUCTURAL ENGINEER III-INSPEC
2ENG7124EN	STRUCTURAL ENGINEER IV
2ENG0500EN	STRUCTURAL ENGINEER V
5MGR7810EN	SUPT BUS MAINTENANCE GARAGE
5MGR7811EN	SUPT HEAVY MAINTENANCE
5MGR3195EN	SUPT PLANT OPERATIONS
5MGR7816EN	SUPT RAIL CAR MAINT
5SUP7846SN	SUPV BUS MAINTENANCE
5SUP7860SN	SUPV CAR REPAIR/INSPECTION
6TRK7273NU	TRACK MAINTAINER
6TRK7274NU	TRACK WALKER
5ENG2270EN	TRAIN CONTROL ENGINEER
2ENG7766EN	TRAIN CONTROL ENGINEER VI

**PROVIDE SECURITY AND CARRY A FIREMAN**

1AGM3293EN	AGM POLICE SYSTEM SECURITY
4POL7851EN	ASSISTANT CHIEF OF POLICE
5AMR2065SN	TRANSIT POLICE LIEUTENANT
5ADR2070EN	TRANSIT POLICE MAJOR
5EXL2080NN	TRANSIT POLICE OFFICER
5POL2080NN	TRANSIT POLICE OFFICER
5POL3205NN	TRANSIT POLICE OFFICER-SENIOR
5POL3018NN	TRANSIT POLICE OFFICER-SPECIAL
5SUP2090SN	TRANSIT POLICE SERGEANT

**OPERATE MARTA VEHICLES REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL)**

5MNT3127NU	APPRENTICE ET FAREGATE
5MNT3041NU	APPRENTICE ET HVAC
5MNT3128NU	APPRENTICE ET-TELEPHONE MAINT
5MNT7037NU	APPRENTICE PAINTER
5MNT3066NU	APPRENTICE SUPPORT EQUIPMENT
5SUP1930SN	FOREMAN POWER
5SUP1940SN	FOREMAN TRACK & STRCT
5SUP2160SN	FOREMAN TRAIN CONTROL
5MNT7311NU	HOSTLER/JUNIOR APPRENTICE
5EXL7023NU	JOURNEYMAN ELECTRONIC TECH

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

5MNT7524NU	JOURNEYMAN ET HVAC
5MNT7030NU	JOURNEYMAN PAINTER
5MNT7032NU	JOURNEYMAN SUPPORT EQUIPMENT
4STO7035NU	MATERIAL CONTROLLER
4STO7036NU	MATERIAL CONTROLLER-LEAD
5MGR1990EN	MGR TRACK & STRCT
5SVC7651NU	SERVICE PERSON-PARATRANSIT
5SVC7039NU	SERVICEPERSON I (A)
5SVC7526NU	SERVICEPERSON I (A) - DRIVER
5SVC7041NU	SERVICEPERSON IV
5SVC7042NU	SERVICEPERSON V
6SVC7503NU	SERVICEPERSON VII-GROUNDSKEEPER
8CHF3350EN	SR INSTRUCTOR BUS TRANSPORTATION
6CHF7221EN	SR INSTRUCTOR RAIL TRANSPORTATION
6TRK7540NU	STRUCTURAL INSPECTOR
6TRK7275NU	TRACK APPRENTICE

**13 NON-SAFETY-SENSITIVE POSITIONS**

SUBJECT TO MARTA TESTING PROVISIONS

Positions tested under MARTA policy (not by FTA definition safety sensitive positions).

All non-safety-sensitive positions are subject to the relevant provisions of this policy.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

## **14 DRUG AND ALCOHOL FACT SHEETS**

### 14.1 ALCOHOL

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for the enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

#### SIGNS AND SYMPTOMS OF USE

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor like condition
- Slowed reaction time
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

#### HEALTH EFFECTS

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces/serving], whiskey [1 ounce/serving] or wine [6 ounces/serving]) over time may result in the following health hazards:

- Decreased sexual function
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related)

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

SOCIAL ISSUES

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

ANNUAL TOLL

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents

WORKPLACE ISSUES

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person is.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

## 14.2 AMPHETAMINES

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

### DESCRIPTION

- Amphetamine is sold in counterfeit capsules or as white, flat, doubled-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphettamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

### SIGNS AND SYMPTOMS OF USE

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

### HEALTH EFFECTS

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increase impulsive and risk-taking behaviors, including bizarre and violent acts.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

WORKPLACE ISSUES

Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual demands or failure to get rest.

Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

DRAFT



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

### 14.3 CANNABINOIDS (MARIJUANA)

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood/perception altering effects it produces.

#### DESCRIPTION

Usually sold in plastic and sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volume of smoke) can easily be made from soft drink cans and toilet paper rolls. Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

#### SIGN AND SYMPTOMS OF USE

- Reddened eyes (often masked by eyedrops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

#### HEALTH EFFECTS

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive immunodeficiency virus (HIV) carriers.

## METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY DRUG AND ALCOHOL POLICY/PROGRAM

---

### PREGNANCY PROBLEMS AND BIRTH DEFECTS

The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes. Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users. Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone. Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life. In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver, and water on the brain and spine. Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects in infant's feet and hands. One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies. Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

### MENTAL FUNCTION

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signals detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function as "acute brain syndromes," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical conditions.

### ACUTE EFFECTS

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

**WORKPLACE ISSUES**

The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance. A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978. Combine alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

DRAFT

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

#### 14.4 COCAINE

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

##### DESCRIPTION

The source of cocaine is the coca bush, grown almost exclusively in the mountainous region of northern South America. Cocaine Hydrochloride "Snorting coke, is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine. Cocaine Base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp or small butane torch for heating. Trade/street names include coke, rock, crack, free base, flake, snow, smoke, and blow.

##### SIGNS AND SYMPTOMS OF USE

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

- Talkativeness
- HEALTH EFFECTS

Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of system illness such as Parkinson's disease could also occur. Cocaine use causes the heart to beat faster and harder and rapidly increased blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks. Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days when using crack or within several month when snorting cocaine. Cocaine causes the strongest mental dependency of any known drug. Treatment success rates are lower than for other chemical dependencies. Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled since 1996. Cocaine overdose is one of the most common drug emergencies.

WORKPLACE ISSUES

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

#### 14.5 OPIATES (NARCOTICS)

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling.

##### DESCRIPTION

Varieties of opiates include natural and natural derivatives - opium, morphine, codeine, and heroin as well as synthetics such as meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan). Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used. Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

##### SIGNS AND SYMPTOMS OF USE

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

##### HEALTH EFFECTS

IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles. Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity. Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

##### SOCIAL ISSUES

There are over 500,000 heroin users in the U.S., most of who are IV needle users. An even greater number of medical narcotic-dependent persons obtain their narcotics through prescriptions. Because of tolerance, there is an ever-increasing need for more of the narcotic to produce the same effect resulting in strong mental and physical dependency. The combination of tolerance and dependency and the resulting need to acquire greater quantities of the drug creates an increasing financial burden for the users. Costs for heroin can reach hundreds of dollars a day.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

WORKPLACE ISSUES

Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident. Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

DRAFT

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

#### 14.6 PHENCYCLIDINE (PCP)

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

##### DESCRIPTION

PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets". It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine. Trade/street names include Angel Dust, Dust, and Hog.

##### SIGN AND SYMPTOMS OF USE

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness

##### HEALTH EFFECTS

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. Other depressant drugs potentiate PCP, including alcohol, increasing the likelihood of an overdose reaction. Misdiagnosing the hallucinations as LCD induced, and then treating with Thorazine, can cause a fatal reaction. Use can cause irreversible memory loss, personality changes, and thought disorders. There are four phases of PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape and perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

WORKPLACE ISSUES

PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs. However, use in the workplace can expose the user and others to extreme safety hazards.

DRAFT

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**15 MINIMUM THRESHOLDS**

INITIAL TEST

Marijuana metabolites  
Cocaine metabolites  
Opiate metabolites  
Phencyclidine (PCP)  
Amphetamines

INITIAL TEST CUTOFF LEVELS

50 ng/ml  
300 ng/ml  
2,000 ng/ml  
25 ng/ml  
1,000 ng/ml

CONFIRMATORY TEST

Marijuana metabolites (1)  
Cocaine metabolites (2)  
Opiates:  
Morphine  
Codeine  
Phencyclidine (PCP)  
Amphetamines:  
Amphetamine  
Methamphetamine (3)

CONFIRMATORY TEST CUTOFF LEVELS

15 ng/ml  
150 ng/ml  
2,000 ng/ml  
2,000 ng/ml  
25 ng/ml  
500 ng/ml  
500 ng/ml

- (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- (2) Benzoylcegonine
- (3) Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

DRAFT

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**16 HEMP PRODUCTS**

HEMP WARNING

Food products containing Hemp may have sufficient THC to cause impairment and produce positive marijuana drug test results.

The Hemp plant, from which marijuana is derived, also produce edible seeds which can be legally imported into the United States after they are “sterilized”, a process which is intended to render the seed incapable of being sprouted and to remove “all traces of THC”. Virtually all hemp food packaging is labeled that it “CONTAINS NO THC”. This is apparently inaccurate. One major manufacturer advertises that they have the lowest levels of THC at only 33 parts per million. Others say residual THC in their products is under 50 parts per million and claim competitive products may contain as much as 1,300 parts per million.

Because of MARTA’s concern for workplace safety, which could be jeopardized by THC from any source, employees are encouraged to refrain from using hemp-containing food products until the effectiveness of seed sterilization in removing THC can be documented through independent testing.

Job applicants or employees testing positive for marijuana, claiming use of hemp containing food products will be considered positive. **All employees verified with positive drug-test results will be discharged.**

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**Page Intentionally Left Blank**

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**17 MEDICATION APPROVAL FORM**

**EMPLOYEE COMPLETES THIS SECTION:**

EMPLOYEE NAME \_\_\_\_\_ DATE \_\_\_\_\_

EMPLOYEE ID # \_\_\_\_\_ JOB TITLE \_\_\_\_\_

OFFICE \_\_\_\_\_ WORK LOCATION \_\_\_\_\_

WORK PHONE NUMBER \_\_\_\_\_

The information provided in this Medication Approval Form is true and correct to the best of my knowledge. I understand and will comply with the prescribed use of these medications and their restrictions while working.

\_\_\_\_\_  
Signed Date

**PHYSICIAN COMPLETES THIS SECTION:**

Please complete this form so that your patient can work in his/her Metropolitan Atlanta Rapid Transit Authority safety-sensitive job. By signing below, you are acknowledging that you are aware of this employee's job duty requirements and that the prescribed medication(s) currently being taken will not adversely impair performance or endanger the safety of this individual, coworker, MARTA customer, or the public. Please indicate below what, if any, restrictions should be placed upon the time between when the medication is taken and the time the individual can safely perform his/her job duties.

**Medication Employee is Currently Taking:**

<u>Name of Drug</u>	<u>Date Prescribed</u>	<u>Date Approval Expires</u>	<u>Restrictions/Instructions</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
Signed Date

Please Print Name, Address and Phone Number Below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY  
DRUG AND ALCOHOL POLICY/PROGRAM**

---

**DRUGS THAT DO NOT NEED TO BE REPORTED**

The following drugs do not need to be reported unless known by the employee to cause problems or if restrictions are imposed by the prescribing physician.

**Antibiotics**

All

**Birth Control Pills**

All

**Dental**

Lidocaine  
Xylocaine

**Immunizations**

All

**Topical Agents**

Lotions, Creams,  
etc.

**Vitamins**

All

**Allergy, Asthma &**

**Decongestants**

Alph-pned  
Brethaire  
Entex  
Guafensin  
Hismanal  
Ipratropium Inhaler

Kenalog  
Nasalide  
Phyenylpropanolamine  
PPA-GG-LA  
Pseudoephedrine  
Seldane  
Sine-Aid  
Sudafed  
Terbutaline Inhaler  
Terbutaline  
Terienadine  
Theo-Dur  
Theopnilline  
Zephrex

**Analgesics**

Acetaminophen  
Advil  
Anacin-3  
Anaprox  
Asprin  
Datril  
Fenoprofen  
Ibuprofen  
Indocin  
Medipren  
Motrin

Nalfon  
Naprosyn  
Nuprin  
Panadol  
Rufin  
Trendar  
Tylenol

**Antihypertensives**

Aldactide  
Aldactone  
Aldomet  
Calan  
Capoten  
Captopril  
Catapres TTS  
Catapres  
Chlorothiazide  
Diuril  
Enalapril  
HCTZ  
Hydrodiuril  
Hydrochlorothiazide  
Lasix  
Lisinopril  
Lopressor  
Methyldopa  
Moduretic

Prinivil  
Procardia  
Vasoretic  
Vasotec

**Miscellaneous**

Ablalon A Opth.  
Drops  
Acyclovir  
Aristocort  
Beconase  
Carafate  
Cimetidine  
Colbenemid  
Cortosone  
Digoxin  
Donnagel  
Ergotec  
Lanoxin  
Meclomen  
Prednisone  
Prilosec  
Synthroid  
Synthroid  
Tagamet  
Vancenase  
Viagra  
Zantac

**MANDATORY REPORTABLE DRUGS**

All prescribed drugs not listed above must be reported with or without restrictions.





Rural Paratransit Contractor–Drug Free Workplace

Lift, Incorporated



**LIFT, INCORPORATED**  
**PUBLIC TRANSIT**  
**DRUG AND ALCOHOL TESTING POLICY**

**Summary:** Lift's drug and alcohol policy was adopted on August 21, 2003 and provides public transit and paratransit services for the residents of Calhoun, Chickasaw, Itawamba, Lafayette, Monroe, and Lee Counties of Mississippi. Their mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. The purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991.



**LIFT, INCORPORATED**

**PUBLIC TRANSIT  
DRUG AND ALCOHOL TESTING POLICY**



**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

TABLE OF CONTENTS

- A. PURPOSE (page 3)
  - B. APPLICABILITY (page 3)
  - C. DEFINITIONS (page 4)
  - D. EDUCATION AND TRAINING (page 7)
  - E. PROHIBITED SUBSTANCES (page 7)
  - F. PROHIBITED CONDUCT (page 8)
  - G. DRUG STATUTE CONVICTION (page 9)
  - H. TESTING REQUIREMENTS (page 9)
  - I. DRUG TESTING PROCEDURES (page 10)
  - J. ALCOHOL TESTING PROCEDURES (page 12)
  - K. PRE-EMPLOYMENT TESTING (page 13)
  - L. REASONABLE SUSPICION TESTING (page 13)
  - M. POST-ACCIDENT TESTING (page 14)
  - N. RANDOM TESTING (page 15)
  - O. RETURN-TO-DUTY TESTING (page 16)
  - P. FOLLOW-UP TESTING (page 17)
  - Q. RESULT OF DRUG/ALCOHOL TEST (page 17)
  - R. GRIEVANCE AND APPEAL (page 19)
  - S. PROPER APPLICATION OF THE POLICY (page 19)
  - T. INFORMATION DISCLOSURE (page 20)
  - U. SYSTEM CONTACTS (page 20)
- Attachment 1 - Safety-Sensitive Positions
- Attachment 2 - Alcohol Fact Sheet
- Attachment 3 - Minimum Thresholds

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

Regular text = FTA requirements

Underlined = Lift, Incorporated requirements

**A. PURPOSE**

The Lift, Incorporated Public Transit Program provides public transit and paratransit services for the residents of Calhoun, Chickasaw, Itawamba, Lafayette, Monroe, and Lee Counties of Mississippi. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Lift, Incorporated declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees. With the exception of a single incident of self-referral to management (see L. Reasonable Suspicion Testing), Lift, Incorporated declares a policy of zero tolerance for drug/alcohol abuse as defined in this policy.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of Lift, Incorporated and are not provided under the authority of the above named Federal regulations are underlined.

**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing any transit-related business. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions including one or more of the above



**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

mentioned duties is provided in Attachment I. Supervisors are safety-sensitive only if they perform one of the above functions.

**C. DEFINITIONS**

**Accident** - an occurrence associated with the operation of a revenue service vehicle even when not in revenue service or which requires a Commercial Drivers License to operate, if as a result:

- (1) A person dies
- (2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- (3) One or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

**Administrative leave** – personal, medical, or unpaid leave an employee is required to take following a drug or alcohol test or any other procedure as set forth in this policy.

**Adulterated specimen** – a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

**Alcohol** – the intoxicating agent in beverage alcohol, grain alcohol, ethyl alcohol, or other low molecular weight alcohol contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

**Alcohol Concentration** - a measurement of the quantity of alcohol in a person's body expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

**Canceled Test** – a drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither positive nor negative.

**Covered Employee** – an employee who performs a safety-sensitive function including and applicant or transferee who is being considered for hire into a safety-sensitive function. (See Attachment I for a list of covered employee positions), and other employees, applicants, or transferees who will not perform a safety-sensitive function but falls under the policy of the company's own authority.

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

***Department of Transportation (DOT)*** – the department of the federal government which includes the U.S. Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

***Drug and Alcohol Program Manager (DAPM)*** – an employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DAPM also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

***Dilute Specimen*** – a specimen with creatinine and specific gravity values that are lower than expected for human urine.

***Disabling Damage*** – damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

***Evidentiary Breath Testing Device (EBT)*** – an instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA conforming products list.

***Medical Review Officer (MRO)*** – a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

***Negative Dilute*** – a drug test result which is negative for the five drug/drug-metabolites but has a specific gravity value lower than expected for human urine.

***Negative Test Result*** – a verified measure below the minimum level of concentration of an identified drug or its metabolite specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

***Non-negative Test Result*** – a test result found to be adulterated, substituted, invalid, or positive for drug/drug-metabolites.

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

**Performing** (*a Safety-Sensitive Function*) – any period during which a covered employee is considered to be performing a safety-sensitive function, including being ready to perform, being on-call to perform, actually performing, or directing others to perform such functions.

**Positive Test Result** – a verified presence of an identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

**Prohibited Drug** – Marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

**Revenue Service Vehicle** – all transit vehicles used for passenger transportation service or that require a Commercial Drivers License (CDL) to operate, including all ancillary vehicles used in support of the transit system.

**Safety-Sensitive Functions** – (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a CDL; (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) controlling the movement of a revenue service vehicle; and (e) carrying a firearm for security purposes.

**Substance Abuse Professional (SAP)** – a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**Substituted Specimen** – a specimen with creatinine and specific gravity values that are not consistent with normal human urine.

**Test Refusal** – the following are considered a refusal to test if the employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, fails to permit observation or monitoring of the provision of a specimen;
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

- Fails or declines to take a second test the employer or collector has directed the employee to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DAPM as part of the “shy bladder” or “shy lung” procedures;
- 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.)
- A report by the MRO that there is a verified adulterated or substituted test result;
- Failure or refusal to sign Step 2 of the alcohol testing form.

**Verified Negative Test** – a drug test result reviewed by an MRO and determined to have no evidence of prohibited drug or alcohol use above the minimum levels specified in 49 CFR Part 40, as amended.

**Verified Positive Test** – a drug test reviewed by an MRO and determined to have evidence of prohibited drug or alcohol use above the minimum levels specified in 49 CFR Part 40, as amended.

**Validity Testing** – the evaluation of the collected specimen to determine if it is consistent with normal human urine to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### **D. EDUCATION AND TRAINING**

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials, who are in a position to determine employee fitness for duty, will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment II of this policy.

#### **E. PROHIBITED SUBSTANCES**

Prohibited substances addressed by this policy include the following:

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

- (1) Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 – any drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal substance, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also the medical use of marijuana or the use of hemp related products which cause drug or drug metabolites to be present in the body above the levels is a violation of this policy.
- (2) Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times, and thus covered employees may be tested for these drugs anytime that they are on duty.
- (3) Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected or a warning from a physician or nurse practitioner to that effect must be reported to a supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- (4) Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under Lift, Incorporated authority, an alcohol test can be performed any time a covered employee is on duty. See “PERFORMING” above.

**F. PROHIBITED CONDUCT**

- (1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 DFR Part 40, as amended.
- (2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

- (3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- (4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
- (5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- (7) Lift, Incorporated under its own authority also prohibits the consumption of alcohol all times employee is on duty, or anytime the employee is in uniform.
- (8) Consistent with the Drug-Free Workplace Act of 1988, all Lift, Incorporated employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substance in the work place including Transit Department premises, transit vehicles, while in uniform or while on company business.

**G. DRUG STATUTE CONVICTION**

Consistent with the Drug free Workplace Act of 1998, all employees are required to notify Lift management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.9 of this policy.

**H. TESTING REQUIREMENTS**

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR part 40 as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Section K, L, M. and N of this policy. Lift, Incorporated is a zero-tolerance company. All covered employees who have tested positive for drugs or alcohol on a random, reasonable suspicion, or post-accident will be terminated from employment of Lift, Incorporated.

Covered employees who self-referred to management will be tested prior to returning to duty after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return-to-duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

A drug test can be performed any time a covered employee is on duty. An alcohol test can be performed just before, during, or after the performance of a safety-

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

sensitive job function. Under Lift, Incorporated authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Lift, Incorporated. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q.3 of this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employees removal from duty and disciplined as defined in Section Q.3 of this policy. Refer to Section C for behavior that constitutes a refusal to test.

## I. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the HHS certified laboratory will be reported to a Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Lift DAPM. If a legitimate explanation is found, the MRO will report the test result as negative to the Lift DAPM and no further action will be taken. If the test is invalid with out a medical explanation, a retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to verifiable facts that were beyond the control of the employee. The Lift DAPM will ensure that the cost for the split specimen is covered in order for a timely analysis of the sample, however Lift will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct the Lift DAPM and the collection site to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Observed collections:

Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- (1) The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the Lift DAPM that there was not an adequate medical explanation for the result; or
- (2) The MRO reports to the Lift DAPM that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- (3) The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen or



**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

(4) The temperature on the original specimen was out of range.

In addition, the Lift DAPM may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.

**J. ALCOHOL TESTING PROCEDURE**

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHSTA-approved EBT operated by a trained Bat. The EBT will identify each test by a unique sequential identification number. This number, time and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Sections Q.4-5 of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer, and will be subject to the consequences described in Section Q.6 of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

The Transit Department affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test result will no result in a cancelled test.

The alcohol testing form (ATF) required by 49 CFR Part 40, as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

**K. PRE-EMPLOYMENT TESTING**

All applicants for covered transit positions shall undergo urine drug testing and breath alcohol testing prior to performance of a safety-sensitive function.

- (1) All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug and alcohol test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results, and an alcohol concentration below 0.02.
- (2) A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results and an alcohol concentration below 0.02.
- (3) If an applicant fails a pre-employment drug or alcohol test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug and/or alcohol test will disqualify an applicant for employment for a period of at least one year. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR part 40 as amended and a negative pre-employment drug test and an alcohol concentration below 0.02 will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- (4) When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, and an alcohol concentration below 0.02 the employee shall be subject to disciplinary action in accordance with Sections Q.4-6 and 8-9 herein.
- (5) If a pre-employment/pre-transfer test is canceled, Lift, Incorporated will require the applicant to take and pass another pre-employment drug test.
- (6) In instances where a covered employee is on extended leave for a period of 90 days or more regardless of reason, the employee will be required to take a drug and alcohol test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- (7) An applicant with a dilute negative test result will be required to retest.
- (8) Applicants are required to report previous DOT covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.

**L. REASONABLE SUSPICION TESTING**

All Lift, Incorporated covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Lift, Incorporated's authority, a reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

The Lift DAPM, Transportation Director or their designee shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Sections Q.4-6 and 8-9 of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q.3 of this policy.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the DAPM and shall be attached to the forms reporting the test results.

When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment. The Personnel Director shall place the employee on administrative leave in accordance with the provisions set forth under Section Q.8 of this policy. Testing in this circumstance would be performed under the direct authority of Lift, Incorporated. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Sections Q.4-6 and 9.

#### M. POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle that results in a fatality, regardless of whether or not the vehicle is in revenue service. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.

- (1) As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- (2) The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- (3) Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.
- (4) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- (5) Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to 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.
- (6) In the rare event that Lift, Incorporated is unable to perform a FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Lift, Incorporated may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

**N. RANDOM TESTING**

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

- (1) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- (2) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals fifty percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
- (3) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
- (4) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under Lift, Incorporated authority.
- (5) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under Lift, Incorporated authority, a random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- (6) Employees are required to proceed **immediately** to the collection site upon notification of their random selection. Failure to report to the collection site within 2 hours of notification will be deemed a test refusal.

**O. RETURN-TO-DUTY TESTING**

With the exception of a single incident of self-referral to management (see L. Reasonable Suspicion Testing), Lift, Incorporated declares a policy of zero tolerance for drug/alcohol abuse as defined in this policy.

All covered employees who self-referred to management, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there is no undo concerns for public safety.

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

**P. FOLLOW-UP TESTING**

Covered employees will be required to undergo frequent, unannounced drug and alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up test (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

**Q. RESULT OF DRUG/ALCOHOL TEST OR PROHIBITED ACTIVITY**

Any covered employee that has a verified positive drug or alcohol test will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP.

A positive drug and /or alcohol test or other prohibited acts as described herein will also result in disciplinary action as specified herein.

- (1) As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test; or a test refusal, the Lift Drug and Alcohol Program Manager will contact the employee's supervisor to have the employee cease performing any safety-sensitive function.
- (2) The employee shall be referred to a Substance Abuse Professional for an assessment. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
- (3) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination. A test refusal includes the following circumstances.
  - (a) A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
  - (b) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
  - (c) A covered employee who is suspected of providing false information in connection with a drug test.
  - (d) A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation. The medical evaluation shall take place within 5 days of the initial test attempt.
  - (e) A verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame.

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

- (f) A covered employee whose urine sample has been verified by the MRO as substitute or adulterated.
  - (g) A covered employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.
  - (h) A covered employee fails to remain at the testing site until the testing process is complete.
  - (i) A covered employee fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations;
  - (j) A covered employee fails to permit the observation or monitoring of a specimen collection.
  - (k) A covered employee fails or declines to take a second test the employer or collector has directed you to take;
  - (l) A covered employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DAPM as part of the “shy bladder” or “shy lung” procedures.
  - (m) A covered 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).
  - (n) Failure to sign Step 2 of the Alcohol Testing form.
- (4) For a covered employee who self-referred to management and has successfully completed the treatment requirement recommend by the SAP and has been approved for return-to-duty by the SAP, a periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from Lift, Incorporated employment.
- (5) A verified positive post-accident, random, or reasonable suspicion drug and/or alcohol test greater than 0.04 BAC shall result in termination from Lift, Incorporated employment.
- (6) An alcohol test result of less than 0.04 (<0.04) BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 BAC two or more times within a six month period, the employee will be terminated from Lift, Incorporated employment.
- (7) The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay, until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- (8) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:

**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

- (a) Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement.
  - (b) Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Lift, Incorporated employment.
    - Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy;
  - (c) Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
  - (d) A self-referral or management referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q.5 of this policy.
  - (e) Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q.4-6 and 8 of this policy.
  - (f) A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Lift, Incorporated.
  - (g) A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- (9) Failure of an employee to report within five days any criminal drug statute conviction shall result in termination.

**R. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 655 for a positive test or test refusal are not subject to arbitration.

**S. PROPER APPLICATION OF THE POLICY**

Lift, Incorporated is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.



**DRUG AND ALCOHOL TESTING POLICY**  
**LIFT, INCORPORATED PUBLIC TRANSIT**  
**Adopted August 21, 2003**

**T. INFORMATION DISCLOSURE**

Drug/alcohol testing records shall be maintained by the Lift Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

- (1) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
- (2) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.
- (3) Records will be released to a subsequent employer only upon a receipt of a written request from the employee.
- (4) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with binding stipulation from the decision maker will make it available only to parties in the proceeding.
- (5) Records will be released to the National Transportation Safety Board during an accident investigation.
- (6) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- (7) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Lift, Incorporated or the employee.
- (8) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken.
- (9) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

**U. SYSTEM CONTACTS**

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s):

Lift, Incorporated Drug and Alcohol Program Manager:

Name: Paul Thomas

Title: Transportation Director

Address: P.O. Box 28, Tupelo, MS 38802-0028

Telephone Number: 662-842-9511

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

Medical Review Officer:

Name: Dr. Jock Sneddon, MD  
Title: Advantage Care  
Address: 7121 Grand National Blvd.  
Orlando, FL 32819  
Telephone Number: 407-345-8875

Substance Abuse Professional:

Name: Region III Chemical Dependency Program  
Address: 920 Boone Street  
Tupelo, MS 38804  
Telephone Number: 662-844-3531

HHS Certified Laboratory Primary Specimen

Name: Quest Diagnostics Incorporated  
Address: 3175 Presidential Drive  
Atlanta, GA 30340  
Telephone Number: 1-800-729-6432

HHS Certified Laboratory Split Specimen

Name: Quest Diagnostics Incorporated  
Address: 4770 Regent Blvd.  
Irving, TX 75063  
Telephone Number: 1-800-824-6152

**This Policy was adopted by the Board of Directors of Lift, Incorporated  
on November 20, 2003.**

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

**Attachment I  
Safety-Sensitive Positions**

**Supervisory and Administration Covered Classifications**

<b>Title</b>	<b>Testing Authority</b>
Transportation Director	FTA/Lift
Transportation Specialist	FTA/Lift
Transportation Clerk	FTA/Lift

**Driver and Maintenance Job Classifications**

<b>Title</b>	<b>Testing Authority</b>
Transit Driver	FTA/Lift
Standby Driver	FTA/Lift
Part-Time Driver	FTA/Lift
SIL Driver	FTA/Lift
SIL Advocate	FTA/Lift

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

**Attachment II  
Alcohol Fact Sheet**

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and symptoms of Use:

Dulled Mental Processes  
Lack of coordination  
Odor of alcohol on breath  
Possible constricted pupils

Sleepy or stupor us condition  
Slowed reaction rate  
Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

- Health Effects

The chronic consumption of alcohol (average or three servings per day of beer {12 ounces}, whiskey {1 ounce}, or wine {6 ounce glass} over time may result in the following health hazards:

Decreased sexual functioning  
Dependency (up to 10 percent of all people who drink alcohol become physically And/or mentally dependent on alcohol and can be termed "alcoholic")  
Fatal liver diseases  
Increased cancers of the mouth, tongue, pharynx, esophagus, rectum breast

Malignant melanoma  
Kidney disease  
Pancreatitis  
Spontaneous abortion and neonatal mortality  
Ulcers  
Birth defects (up to 54 percent of all birth defects are alcohol related).

- Social Issues

Two-thirds of all homicides are committed by people who drink prior to the crime.  
Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.  
Two thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

Forty percent of family court cases are alcohol problem related.

Alcoholics are 15 times more likely to commit suicide than are other segments of the population.

More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

- The Annual Toll

24,000 people will die on the highway due to the legally impaired driver.

12,000 more will die on the highway due to the alcohol-affected driver.

15,800 will die in non-highway accidents.

30,000 will die due to alcohol-caused liver disease.

10,000 will die due to alcohol-induced brain disease or suicide.

Up to another 125,000 will die due to alcohol-related conditions or accidents.

- Workplace issues

It takes one hour for the average person (160 pounds) to process one serving of an alcoholic beverage from the body.

Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.

A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

**DRUG AND ALCOHOL TESTING POLICY  
LIFT, INCORPORATED PUBLIC TRANSIT  
Adopted August 21, 2003**

**Attachment III  
Minimum Thresholds**

**INITIAL TEST CUT-OFF LEVELS  
(ng/ml)**

Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

**CONFIRMATORY TEST CUT-OFF  
LEVELS (ng/ml)**

Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

Medium Transit System

Knoxville Area Transit





## **Knoxville Area Transit (KAT) Substance Abuse Policy**

**Summary:** KAT's policy covers a medium-sized transit system. The goal of KAT's substance abuse policy is to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.



# KAT'S SUBSTANCE ABUSE POLICY



UPDATED JULY 2003



## **TABLE OF CONTENTS**

<b>1.0</b>	<b>OVERVIEW</b>
<b>2.0</b>	<b>EMPLOYEE CATEGORIES SUBJECT TO TESTING</b>
<b>3.0</b>	<b>PARTICIPATION AS A REQUIREMENT OF EMPLOYMENT</b>
<b>4.0</b>	<b>REQUIRED HOURS OF COMPLIANCE</b>
<b>5.0</b>	<b>PROHIBITED BEHAVIOR</b>
<b>6.0</b>	<b>CIRCUMSTANCES FOR TESTING</b>
<b>7.0</b>	<b>END OF SHIFT TESTING</b>
<b>8.0</b>	<b>BEHAVIOR THAT CONSTITUTES A REFUSAL TO SUBMIT TO A TEST</b>
<b>9.0</b>	<b>TESTING PROCEDURES</b>
<b>10.0</b>	<b>OBSERVED TESTING</b>
<b>11.0</b>	<b>CONSEQUENCES OF USE OF DRUGS AND MISUSE OF ALCOHOL</b>
<b>12.0</b>	<b>IDENTITY OF CONTACT PERSON</b>
<b>13.0</b>	<b>EFFECTS OF ALCOHOL</b>
<b>14.0</b>	<b>ADDITIONAL PROVISIONS</b>
<b>15.0</b>	<b>APPROVAL BY GOVERNING BOARD</b>

### **ADDITIONAL MATERIAL:**

**List of Safety-Sensitive Functions at KAT**  
**Substance Abuse Services Referral Listing**  
**Educational Materials**  
**Program Notification Letter**  
**Confirmation of Receipt**



## KAT's Substance Abuse Policy

### 1.0 OVERVIEW

KAT is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. KAT employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment which promotes personal opportunities for growth.

In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U. S. Department of Transportation (DOT) has enacted 49 CFR Part 655 that mandate urine drug testing and evidential breath alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the DOT has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988", which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for employees at KAT, which became effective on January 1, 1995 and August 1, 2001. All drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. Copies of Part 40 are available in the office of the Director of Human Resources or at <http://www.dot.gov/ost/dapc/index.html>.

### 2.0 EMPLOYEE CATEGORIES SUBJECT TO TESTING

Employees who perform safety-sensitive functions must be included in the substance abuse management program (Part 655). The FTA has determined that "safety-sensitive" functions are performed by those who (Part 655):

- Operate revenue service vehicles including when not in revenue service
- Operate non-revenue service vehicles that require drivers to hold CDLs
- Dispatch or control revenue service vehicles
- Maintain revenue service vehicles or equipment used in revenue service

-Provide security and carry a firearm

These categories include supervisors who perform these functions. Supervisors of employees in these categories who do not themselves perform these functions are excluded.

A list of safety-sensitive positions at KAT is attached.

### 3.0 PARTICIPATION AS A REQUIREMENT OF EMPLOYMENT

Participation in KAT's prohibited substance testing program is a requirement of each safety-sensitive employee and, therefore, is a condition of employment. Pursuant to the Drug-Free Workplace Act of 1988, an employee must notify the employer in writing of his or her conviction for a violation of any criminal drug statute no later than five calendar days after such conviction.

### 4.0 REQUIRED HOURS OF COMPLIANCE

Use and ingestion of prohibited drugs are prohibited at all times. KAT employees may be tested for drugs at any time they are on duty.

An employee must not consume alcohol while performing a safety-sensitive function (Part 655, four hours prior to performing a safety-sensitive function (Part 655), and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first (Part 655).

### 5.0 PROHIBITED BEHAVIOR

Any employee is prohibited from engaging in unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drug-Free Workplace Act of 1988. Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40.

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.02 or greater. No employee shall use alcohol while on duty or while performing safety-sensitive functions. No employee shall have used alcohol within four hours of reporting for duty or immediately following the performance of such functions. No employee shall use alcohol during the hours that they are on call.



All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall be removed from duty immediately and will be subject to disciplinary action. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

## 6.0 CIRCUMSTANCES FOR TESTING

The FTA requires that drug and alcohol tests be given to safety-sensitive employees in specific circumstances: pre-employment, reasonable suspicion, post-accident, random, return to duty and follow-up.

**-Pre-Employment Testing:** Receipt by KAT of satisfactory test results is required prior to employment in a safety-sensitive position. Any covered employee or applicant who has previously failed or refused a pre-employment drug test administered under Section 655.41(a)(2), the employee must provide proof of successful completion of a treatment plan as outlined in Section 655.62. A negative test is required before an employee performs safety-sensitive duties. A drug test with dilute negative result will be recollected. When a covered employee is on extended leave for a period of ninety days or more regardless of reason, and is not in the random testing pool, the employee will be required to take a drug test and have a negative test result prior to the conduct of safety-sensitive job functions.

**-Reasonable Suspicion Testing:** All safety-sensitive employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breath testing when there are reasons to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion will mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with possible drug use and/or alcohol misuse. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the long- or short-term effects of substance abuse. Reasonable suspicion determinations will be made by one or more supervisors trained to detect the signs and symptoms of drug and alcohol use and who reasonably conclude that an employee has used a prohibited drug and/or engaged in alcohol misuse. A drug test result of negative dilute will be retested. Alcohol testing will be conducted just before an employee performs safety-sensitive duties, during that performance or just after an employee has performed covered duties.

**-Post-Accident Testing:** All surviving employees will be required to undergo urine and breath testing if they are involved in an accident that results in a fatality. In addition, safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident while on duty for KAT unless the KAT official in charge at the time determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. This includes all employees that are on-duty in vehicles and any other whose performance could have contributed to the accident. The FTA defines an accident as an occurrence associated with the operation of a vehicle, if as a result:

- 1) An individual dies; or
- 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- 3) With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- 4) With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operations.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident and be readily available for testing until he/she undergoes a post-accident alcohol test. Post-accident alcohol testing is stayed while an employee assists in the resolution of the accident or receives medical attention following the accident. In reference to an alcohol test, if the employee is not tested within two hours, documentation must be submitted as to why the test was delayed, including documentation continued attempts to obtain specimen. Attempts to obtain specimen must cease after eight hours. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment will be terminated. Employees tested under this provision will include not only the operations personnel, but any other covered employees whose performance could have contributed to the accident. A drug test result of negative dilute may result in retesting.

In the event of a fatality, surviving operators of the mass transit vehicle involved in the accident will be drug and alcohol tested as soon as practicable following the accident. Any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best available information available at the time of the decision, will also be drug and alcohol tested.

**-Random Testing:** Employees in safety-sensitive positions will be subject to random, unannounced testing. Random selections will be made by a scientifically valid method. Random tests will be reasonably spread throughout all days and hours of operation. Random alcohol tests will be conducted just prior to an employee performing a safety-sensitive function, during that performance, or just after an employee has performed these covered duties. Random tests will be unannounced and must be performed immediately upon notification of the employee. A random drug test result of negative dilute may result in retesting.

**-Return-to-Duty:** For those employers who have a re-entry program for employees who test positive on drug and/or alcohol tests, the FTA requires that in addition to remaining in the regular random pool for testing, those employees undergo return-to-duty and follow-up testing as directed by the Substance Abuse Professional (SAP). This section does not apply to KAT; see Section 12.0 11.0 for KAT's company policy on positive tests.

**-Employee Requested Testing:** Any employee who questions the results of a required drug test under this policy may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40. The employee's request for a re-test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

## 7.0 END OF SHIFT TESTING

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or childcare commitments, for the period immediately following an employee's shift, must be provided at least eight hours before the end of the employee's shift.

## 8.0 BEHAVIOR THAT CONSTITUTES A REFUSAL TO SUBMIT TO A TEST

Any employee who refuses to take a test, is unable to provide sufficient quantities of breath or urine to be tested without a valid medical explanation, fails to undergo a medical exam when required, engages in conduct that obstructs the testing process, does not report to the collection site in the time allotted by employer( excluding pre-employment), provides a substituted or adulterated specimen, leaves the collection facility prior to test completion, fails to permit an observed or monitored collection when required, fails to take a second test when required, leaves the scene of an accident without a valid reason before the tests have been conducted or fails to cooperate with any part of the testing process, will be considered to have a positive test result and will be subject to disciplinary procedures. Failure to sign the certification at Step 2 of the Alcohol Testing Form will also constitute a refusal to submit.

## 9.0 TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U. S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Employees should know that the assertion of consumption or other use of a hemp or other non-prescription marijuana related product as a defense of a positive marijuana test will not be accepted by the Medical Review Officer in accordance with Part 40-151(f). An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be

performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.

An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02, and will be subject to disciplinary action. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. An employee that has a confirmed positive drug or alcohol test will be removed from his/her position, and referred to a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will also result in disciplinary action.

Confidentiality of records of substance abuse testing will be maintained in accordance with 49 CFR 655. Test results may be released only under the following circumstances:

- \*Upon written request, an employee may obtain copies of records pertaining to his or her use of prohibited drugs, including any records pertaining to his or her drug tests.

- \*KAT shall disclose data for its substance abuse program when requested by the Secretary of Transportation or any DOT agency with regulatory authority over KAT or any of its employees.

- \*KAT is required to permit access to all facilities utilized in complying with the requirements of its DOT mandated substance abuse program to the Secretary of Transportation or any DOT agency with regulatory authority over KAT or any of its employees.

- \*When requested by the National Transportation Safety Board as part of an accident investigation, KAT shall disclose information related to its administration of a drug test following the accident under investigation.

- \*Records relating to substance abuse testing of an employee shall be made available to a subsequent employer upon receipt of a written request from the employee. Subsequent disclosure by KAT is permitted only as expressly authorized by the terms of the employee's request.

- \*KAT may disclose information required to be maintained as part of its substance abuse policy which pertains to an employee either to the employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of a drug/alcohol test administered under the DOT's required drug and alcohol testing program.

- \*KAT shall release information regarding an employee's record as directed by the specific, written consent of the employee authorizing release of the information to an identified person.

## 10.0 OBSERVED TESTING

Employees will be required to submit to an observed collection under the following conditions:

- \* Specimen temperature is out of range
- \* Collection personnel observe an attempt to adulterate
- \* Specimen is invalid with no medical explanation
- \* Split specimen is unavailable to confirm following a positive, adulterated, or substituted result
- \* Specimen resulted in a dilute negative result as defined in Section 40.197(b)

## 11.0 CONSEQUENCES OF USE OF DRUGS AND MISUSE OF ALCOHOL

FTA rules mandate that a safety-sensitive employee who refuses to submit to a test, has a verified positive drug test result, has an alcohol concentration of 0.04 or greater or has an alcohol concentration of 0.02 or greater but less than 0.04, must be removed immediately from his or her safety-sensitive function. The rules further mandate referral to a SAP for evaluation for any safety-sensitive employee who has a verified positive drug test result, an alcohol concentration of 0.04 or greater, or refuses to submit to a test. Any employee with a confirmed positive drug or alcohol test or any employee refusing drug or alcohol testing will be terminated from employment with KAT.

## 12.0 IDENTITY OF CONTACT PERSON

Questions about KAT's Substance Abuse Program should be addressed to:

Beverly Campbell  
 Director of Human Resources  
 KAT  
 1135 Magnolia Avenue  
 Knoxville, Tennessee 37917  
 Telephone Number: 865-215-7815

## 13.0 EFFECTS OF ALCOHOL MISUSE

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to operate a vehicle safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of

alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics. (foregoing three paragraphs drawn from information contained in "U.S. Dept. of Labor: What Works: Workplaces without Alcohol and Other Drugs")

Enclosed is a list of options available locally for obtaining assistance for alcohol misuse problems.

#### 14.0 ADDITIONAL PROVISIONS

While not required by FTA rules, KAT recognizes a commitment to any employees who may seek assistance with a substance abuse problem outside the scope of the testing program. Accordingly, any employee who suspects that he or she may have a substance abuse problem is encouraged to use available resources before the problem impacts his/her employment status. It is KAT's policy to allow employees who voluntarily seek assistance outside the scope of the testing program to use any and all earned benefits, including any available health insurance benefits, sick leave, short-term disability (not to exceed the term of available insurance) and unpaid leave of absence if necessary while obtaining help for a substance abuse problem. This provision will not apply to any employee who tests positive through the testing program. Any problems discovered through the testing program will be subject to the disciplinary procedures outlined below, as well as all other provisions of KAT's substance abuse prevention program.

Identification of the Substance Abuse Professional available locally is attached. This list is to be used as a resource and is not to be considered inclusive. Those individuals wishing to obtain services under benefits provided by health insurance should use only those services covered under their health provider benefits.

The consumption of illegal drugs is prohibited at all times. Prohibited substances for the purpose of this policy include the following: marijuana (includes all hemp products) cocaine; amphetamines; opiates; phencyclidine; and alcohol. KAT reserves the right to test for other substances and will drug and alcohol test after all accidents/incidents, including accidents/incidents not covered under the FTA post-accident testing guidelines

KAT's agency disciplinary policy regarding this testing program will be as follows:

- Any safety-sensitive or non-safety-sensitive employee who has an alcohol concentration of 0.02 or greater but less than 0.04 will receive a "miss-out" and be subject to all employee "miss-out" rules;
- Any safety-sensitive or non-safety-sensitive employee who has a verified positive drug test result, an alcohol concentration of 0.04 or greater, or who refuses to submit to a test will be referred to a Substance Abuse Professional for evaluation and his/her employment with KAT will be terminated.

It will be policy at KAT for all safety-sensitive employees to be subject to the following testing categories: Pre-employment, post-accident, random, reasonable suspicion testing as required by FTA rules. It will be policy at KAT for all non-safety-sensitive employees to be subject to the following testing categories: Pre-employment, post-accident, and reasonable suspicion.

#### 15.0 APPROVAL BY GOVERNING BOARD

This policy was adopted by the Knoxville Transportation Authority at its meeting held on October 27, 1994, amended and updated at its meeting held on November 25, 1997, amended and updated at its meeting held on October 25, 2001, and amended and updated at its meeting held on July 24, 2003.

---

Chair: Ms. Essie Johnson

## **SAFETY-SENSITIVE FUNCTIONS AT KAT**

**Director of Operations**  
**Dispatcher**  
**Road Supervisor**  
**Bus Operator**  
**Trolley Operator**  
**Neighborhood Service Operator**  
**“T” Operator**  
**Chief Operating Officer**  
**LIFT Operator**  
**Director of Safety and Training**  
**Director of Maintenance**  
**Assistant Director of Maintenance**  
**Maintenance Supervisor**  
**Mechanic**  
**Serviceperson**  
**Training Coordinator**



**SUBSTANCE ABUSE PROFESSIONALS REFERRAL**

**WESTSIDE PSYCHOLOGY.....690-0962**

## CONFIRMATION OF RECEIPT

### ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the anti-drug and alcohol misuse program policy mandated by the U.S. Department of Transportation, Federal Transit Administration for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Part 655, as amended, and has been duly adopted by the governing board of the employer. Any provisions contained herein which are not required by 49 CFR Part 655, as amended, that have been imposed solely on the authority of the employer are in the policy document.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained herein. I will seek and get clarifications for any questions from the employer contact person listed in the policy. I also understand that compliance with all provisions contained in the policy is a condition of my employment.

I further understand that the information contained in the policy approved July 24, 2003, is subject to change, and that any such changes, or addendum, shall be disseminated to me in a manner consistent with the provision of 49 CFR Part 655, as amended.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name (Printed)

July 24, 2003

Dear KAT Employee:

The Federal Transit Administration (FTA) has issued regulations 49 CFR Part 655 mandating urine drug and breathalyzer alcohol testing for all safety sensitive positions and 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. KAT was required to comply with these regulations effective August 1, 2001. Under these regulations, we have issued a policy prohibiting illegal drug use at all times by our safety-sensitive employees. In addition, alcohol consumption by our safety-sensitive employees is prohibited while performing, and for four (4) hours prior to performing safety-sensitive functions. Alcohol use after an accident is also prohibited. We must also conduct tests to determine in specific situations whether employees have used alcohol or drugs.

The regulations are very specific regarding what KAT must do to comply. We have developed and followed a policy and the procedures that apply to persons who perform safety-sensitive job functions at KAT. All KAT employees have received the company's Substance Abuse Policy which was originally adopted by the Knoxville Transportation Authority on October 27, 1994, updated on November 25, 1997, updated on October 25, 2001, and now again updated on July 24, 2003.

Thank you for your cooperation in implementing these important safety regulations.

Sincerely,

Mark Hairr  
General Manager



Large Transit System—Zero Tolerance

Houston Metro



**Houston Metropolitan Transit Authority**

**ZERO TOLERANCE**

**DRUG AND ALCOHOL POLICY  
FOR EMPLOYEES IN  
SAFETY-SENSITIVE JOB FUNCTIONS**

**Summary:** This is a zero tolerance policy covering a large transit system and is applicable to all METRO employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions.





**ZERO TOLERANCE**

**DRUG AND ALCOHOL POLICY  
FOR EMPLOYEES IN  
SAFETY-SENSITIVE JOB FUNCTIONS**

**Written: 9/1997**

**Revision #1: 7/1/1999**

**Revision #2: 12/18/2004**

**Revision #3: 5/11/2006**



**Metropolitan Transit Authority**

**ZERO TOLERANCE  
DRUG AND ALCOHOL POLICY FOR EMPLOYEES  
IN SAFETY-SENSITIVE JOB FUNCTIONS**

**TABLE OF CONTENTS**

Page

<b>I</b>	<b>Purpose</b>	<b>3</b>
<b>II</b>	<b>Scope</b>	<b>3</b>
<b>III</b>	<b>Policy</b>	<b>3</b>
<b>IV</b>	<b>References</b>	<b>3</b>
<b>V</b>	<b>Definitions</b>	<b>4-5</b>
<b>VI</b>	<b>Circumstances which Warrant Testing</b>	<b>5-6</b>
<b>VII</b>	<b>Specific Testing Requirements</b>	<b>6</b>
<b>VIII</b>	<b>Types of Testing Required</b>	<b>7-11</b>
	<b>Employment Testing</b>	<b>7</b>
	<b>Random Testing</b>	<b>7</b>
	<b>Reasonable Suspicion Testing</b>	<b>9</b>
	<b>Post Accident Testing</b>	<b>9</b>
	<b>Return to Duty &amp; Follow-up Testing</b>	<b>10-11</b>
<b>IX</b>	<b>Testing Protocols</b>	<b>11-13</b>
	<b>Alcohol testing</b>	<b>11</b>
	<b>Drug testing</b>	<b>12</b>
	<b>Medical Review Officer</b>	<b>12</b>
	<b>Observed Collection Procedure</b>	<b>13</b>
	<b>Dilute Specimen Procedure</b>	<b>13</b>
<b>X</b>	<b>Disciplinary Consequences of Drug Use &amp; Misuse of Alcohol</b>	<b>14-16</b>
	<b>Positive Alcohol</b>	<b>14</b>
	<b>Prohibited Drugs</b>	<b>14</b>
	<b>Prescription Drugs</b>	<b>15</b>
	<b>CDL License Suspension Due to DUI Conviction</b>	<b>15</b>
	<b>Other Disciplinary Consequences</b>	
	<b>Drug Free Workplace Act</b>	<b>15</b>
	<b>Behaviors that Constitute a test refusal</b>	<b>15-16</b>
<b>XI</b>	<b>Action to Be Taken for Positive Test Results or Refusal to Test</b>	<b>16</b>
<b>XII</b>	<b>Confidentiality and Release of Information</b>	<b>16</b>
<b>XIII</b>	<b>Records Management</b>	<b>17-18</b>
<b>Addendum A</b>	<b>Safety-Sensitive Job Classifications</b>	<b>19</b>
<b>Addendum B</b>	<b>Service Vendors &amp; Program Staff</b>	<b>23</b>
<b>Addendum C</b>	<b>Annual Random Testing Rates</b>	<b>24</b>
<b>Addendum D</b>	<b>Laboratory Testing Cutoff Levels</b>	<b>25</b>
<b>Addendum E</b>	<b>Drug Testing Procedures</b>	<b>26</b>
	<b>Shy Bladder Procedure</b>	<b>27</b>
<b>Addendum- F</b>	<b>Alcohol Testing Procedures</b>	<b>28</b>
	<b>Shy Lung Procedure</b>	<b>29</b>

## **Metropolitan Transit Authority**

### **ZERO TOLERANCE DRUG AND ALCOHOL POLICY FOR EMPLOYEES IN SAFETY-SENSITIVE JOB FUNCTIONS**

#### **I. PURPOSE**

To provide the safest possible transportation for the public and a safe work environment for METRO employees through the requirement of a work place free of prohibited drugs and alcohol.

#### **II. SCOPE**

This policy applies to all METRO employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions.

The job classifications that have been determined to be safety-sensitive are noted in Appendix A and are maintained by the Human Resources Department.

#### **III. POLICY**

This policy establishes procedures and processes for the administration of METRO's Drug and Alcohol Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, METRO requires all employees performing safety-sensitive job functions to submit to testing for the presence of specifically designated drugs and alcohol.

METRO's Board of Directors has adopted a Zero Tolerance policy regarding drug use and alcohol misuse. All employees must be free of the designated drugs and alcohol when performing a safety-sensitive function.

#### **IV. REFERENCES**

This policy is written in conjunction with the following rules and regulations:

- DOT regulations in 49 CFR Part 40; "Procedures for Transportation Workplace Drug and Alcohol Testing Programs"
- FTA regulations in 49 CFR Part 655; "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations"
- 49 CFR Part 29, Drug-Free Workplace Act of 1988.
- FTA Drug and Alcohol Regulation Updates.
- METRO's Guideline "DWI/DUI & Other Criminal Offenses".

## V. DEFINITIONS

**“Accident”** means an occurrence associated with the operation of a vehicle, if as a result:

- An individual dies; or
- One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.

**“Adulterated Specimen”** means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

A **“Cancelled Test”** is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.

**“Contractor”** means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

A **“Covered Employee”** means a person, including an applicant or transferee, who is applying for a position to perform safety-sensitive functions. A volunteer is considered a covered employee if required to hold a commercial driver’s license to operate a vehicle, or performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

A **“Dilute Specimen”** has creatinine and specific gravity values that are lower than expected for human urine.

**“Disabling Damage”** is defined as “damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair”. This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.

An **“Evidential Breath Testing (EBT) device”** is a device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA’s Conforming Products List (CPL) for “Evidential Breath Measurement Devices” and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

An **“Invalid Drug Test”** refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics; or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

**“Medical Review Officer”** (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory and who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum B)

**“On-Call”** duty is defined as being scheduled for specific after duty hours for which the employee must report to duty when called.

A **“Safety-Sensitive Function”** means any of the following duties when performed by employees of recipients, sub-recipients, operators or contractors based on specific job criteria:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Drivers License;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
- Carrying a firearm for security purposes.

The **“Substance Abuse Professional (SAP)”** is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate whether an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, and recommends when the employee is ready for return to duty testing and for follow up testing. The SAP recommends the required number of follow up drug/alcohol tests after the employee returns to duty.

A **“Substituted Specimen”** has a creatinine and specific gravity value that is so diminished or so divergent that it is not consistent with normal human urine.

**“Vehicle”** means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus or vessel. A mass transit vehicle is a vehicle used for mass transport or for ancillary services.

A **“Verified Test”** is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

## **VI. CIRCUMSTANCES WHICH WARRANT TESTING**

According to the FTA regulations, all employees performing safety-sensitive functions are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required) under the following circumstances:

1. Employment drug testing after the offer of employment; prior to the transfer of any employee from a non-safety sensitive position to a safety-sensitive position; or

- following an absence of 90 days or more where the employee was also removed from the random testing pool;
2. When there is a "reasonable suspicion" of an employee's drug/alcohol use;
  3. When an employee is involved in a fatal or non-fatal accident as defined by FTA criteria;
  4. When an employee is selected for random testing;
  5. Following the successful completion of a SAP determined rehabilitation program for return-to-duty testing;
  6. When an employee is subject to follow-up testing as specified by a SAP.

Pre-duty use of alcohol: All covered employees are prohibited from using alcohol within 4 hours prior to performing safety-sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within 4 hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. A trained supervisor in making reasonable suspicion testing determinations will evaluate the employee to determine if evidence exists to conduct reasonable suspicion alcohol testing. The supervisor(s) will document the reasons for testing, which are outlined in Section VIII of this policy.

An unscheduled and an on-call employee who is called to report back to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.

If the employee acknowledges the use of alcohol, but claims ability to perform a safety-sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.

On-call employees: The consumption of alcohol is prohibited for covered employees during his or her specified on-call hours. See definition for "on-call" in this policy.

On-duty use of alcohol: All covered employees are prohibited from consuming alcohol, including medications with alcoholic content, while performing safety-sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety sensitive functions.

Covered employees with an alcohol concentration 0.02 or greater are prohibited from reporting for duty to perform a safety-sensitive function or remaining on duty while performing a safety-sensitive function.

Drug Consumption: The consumption of marijuana, cocaine, amphetamines, opiates and phencyclidine is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.

## **VII. SPECIFIC TESTING REQUIREMENTS**

Each employee tested under Federal requirements will be notified of the purpose for the testing and under whose authority the test is being conducted.

Federal drug and alcohol testing must be conducted completely separately from non-federal testing. Further, Federal testing will take priority over the non-federal collection process.

DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will be used for FTA mandated testing as described in this policy. Any testing conducted solely under METRO's authority will be conducted using non-DOT drug and alcohol testing forms.

No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.

A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

## VIII. TYPES OF TESTING REQUIRED

**Employment or Pre-Placement Testing:** The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety sensitive position to a safety sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined in 49 CFR 40.25.

Human Resources will investigate drug and alcohol testing records of all applicants for safety sensitive positions and employees intending to transfer to safety sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.

When a transferee or applicant has previously failed or refused a DOT drug and/or alcohol test, the individual must present to METRO proof of having successfully completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.

Each applicant/transferee must undergo drug testing after a contingent offer of employment or transfer. Transferees and applicants may not perform safety sensitive functions until employment drug testing is administered with verified negative results. An employee may not transfer to a safety sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.

In the event a drug test is considered a "cancelled test" or results are "invalid", the transferee or applicant must retake the drug test with verified negative results before being permitted to start a safety sensitive position.

Applicants who have not been placed in a safety sensitive position within 90 consecutive calendar days of their initial employment drug test will be required to re-take the drug test and have verified negative results before starting a safety sensitive position.

Employment testing will also be performed whenever a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days, regardless of the reason, and has not been in the random selection pool during that time period. The employee may resume safety-sensitive duties after METRO receives verified negative drug test results.

**Random Testing:** The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.

All covered employees are required to participate in the random testing program for drugs and alcohol. METRO will test employees performing safety sensitive functions in accordance with FTA required minimum testing percentages. (See Addendum C of this Policy.)



Random testing is required by FTA to be conducted during all time periods when safety-sensitive functions are performed and shall be unannounced and unpredictable. Since METRO operates 24 hours a day, seven (7) days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.

A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use any time while on duty.

METRO utilizes a drug and alcohol software program from Compliance Information Systems called "eVeriTest". This software programs maintains all drug and alcohol test records and performs the weekly random selection.

Random selection is performed weekly. Prior to the selection process, employees who are classified as "active" (working with pay) are imported into the eVeriTest program from the Banner HRIS software program. All employees who are on Workers' Compensation, Short & Long Term Disability, Leave of Absence or extended time off of more than 30 days are removed from the selection process. The eVeriTest program performs an automated selection from the "active" pool for the selection period of seven (7) days starting Sunday at 12:01 a.m. through Saturday at 11:59 p.m. The process used for the random selection is the Simple Random Sampling method which means that each individual in the pool has an equal chance of being selected each selection period.

Supervisor notification of employees selected for random testing during the selection period is automatically transferred to the website on a daily basis after 2:00 p.m. Only the next day's selection is available. Employees selected for random testing are identified by employee name, company identification number and responsibility center code.

To assure that the random program is protected from unofficial entry, only identified key supervisor personnel at each facility have access to the eVeriTest program to view only selected employees for that specific facility. The integrity and confidentiality of the program is maintained through double password protection and limited program access. All passwords for the drug and alcohol program are assigned and maintained solely by the Wellness Program staff. Access to any drug and alcohol record can only be viewed by the Wellness Program staff.

As required by FTA regulation, the random testing process occurs throughout the workday and throughout the selection period. Authorized supervisory personnel (i.e., not the selected employee) will be notified no later than 2:00 p.m. of the preceding day of the employee(s) that have been selected for random testing for the next day.

If the employee is available for testing during their work shift, the safety sensitive employee will be informed that s/he has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety-sensitive function and will be immediately transported for testing. It is METRO's policy for a supervisor to transport and accompany the employee to the collection site.

Every effort will be made to test all individuals that have been selected within each random selection period. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. When an employee is not available for random testing during the selection period, the

supervisor will provide written documentation to the Wellness Program staff with the reason testing was not performed.

**Reasonable Suspicion Testing:** The purpose of reasonable suspicion testing is to provide a method to identify drug and/or alcohol affected employees who may pose a danger to themselves and others in their performance of safety sensitive functions.

Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s), who has been trained in detecting the signs and symptoms of drug use or alcohol misuse, believes that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. FTA regulations require that all supervisors undergo a minimum of 60 minutes of training on the signs and symptoms of drug use and an additional 60 minutes of training on the signs and symptoms of alcohol misuse before being qualified to make reasonable suspicion determinations.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

Alcohol testing must be based on observations and documented as noted above and testing shall be performed only if the observations were made while the covered employee was performing safety sensitive functions, just before the employee was to perform safety sensitive functions or just after the employee had ceased performing such functions.

If **alcohol testing** is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be sent to and maintained by the Wellness Program staff. If a test is not administered within 8 hours following the determination to test, the supervisor will cease attempts to administer the test. A statement will be added to the reasonable suspicion document explaining why testing could not be conducted within 8 hours.

**Post Accident Testing:** The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post accident testing is mandatory where there is a loss of life and for some non-fatal accidents. In the event of a non-fatal accident, according to the FTA, the burden rests with METRO to prove that an employee did not contribute to the accident and therefore can be dismissed from testing.

In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing.

In addition, all other covered employees whose performance may have contributed to the accident, as determined by METRO using the best information available at the time of the decision, are subject to FTA drug and alcohol testing.

In the event of a non-fatal accident, FTA drug and alcohol testing is required when:

- one or more individuals suffer bodily injury and immediately receives medical treatment away from the scene of the accident;
- when a bus, paratransit vehicle or any vehicle involved receives “disabling damage”; or
- a rail car is removed from service due to a collision, derailment or major damage.

All covered employees operating or on-duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by METRO as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident, as determined by METRO using the best information available at the time of the decision, are subject to FTA drug and alcohol testing.

The decision to not administer a post-accident drug and alcohol test under FTA requirements shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

The FTA specifically requires that post accident testing be administered as soon as practicable following an accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform alcohol testing. When it is not possible to obtain a breath specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the accident.

The **drug testing** time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit and cease further attempts at testing.

A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.

The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.

METRO may use the post accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by METRO. Such test results may be used only when METRO is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).

**Return to Duty and Follow up Testing:** METRO has a zero tolerance policy resulting in the termination of employment for any employee who has had a verified positive drug test result, has had a breath alcohol concentration (BAC) of 0.04 or greater or has been involved in any other activity that violates DOT/FTA regulations including refusal to submit to testing.

#### A. Voluntary Rehabilitation

However, METRO will allow an employee one voluntary rehabilitation opportunity without being subject to disciplinary action under the following circumstances:

- The employee has not been selected for or notified of mandatory drug and/or alcohol testing and has voluntarily admitted current drug and/or alcohol use.
- The employee has not failed or refused to take a drug or alcohol test.

- The employee will utilize the current Substance Abuse Professional (SAP) through METRO's Employee Assistance Program for evaluation and referral.
- The employee is compliant with the treatment recommendations.
- The employee agrees to the conditions as required in the Labor Agreement between METRO and the Transport Workers Union of America Local 260.
- The employee agrees to submit to follow-up testing as required by the SAP.

Prior to the employee's return to work after voluntary rehabilitation, a drug and/or alcohol test will be required by METRO. All testing for voluntary treatment will be done under METRO's auspices and only non-DOT drug/alcohol testing forms will be utilized.

#### B. New Hire "Following the Employee" Testing

According to 49 CFR Part 40 Subpart O, new hires that have had positive drug and/or alcohol tests at a previous DOT regulated employer and have successfully completed the return-to-work process as required will continue the follow-up testing plan as prescribed by the Substance Abuse Professional. This will assure that the requirements of the SAP's follow-up plan "follows the employee" to subsequent employers or through breaks in service as noted in §40.307(e).

The previous employer's SAP must present METRO's Wellness Program staff with any pertinent information regarding the employee's rehabilitation compliance and release to return to duty, including a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six (6) follow-up tests in the first twelve (12) months following the employee's return to safety sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to 60 months after return to work. The SAP, following the employee's successful completion of the mandatory testing requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.

#### C. Follow-up Testing Requirements

Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety-sensitive functions.

A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected. Under METRO's Zero Tolerance policy, any employee in the follow-up testing program who subsequently tests positive for either drug or alcohol will be subject to immediate discharge.

### **IX. TESTING PROTOCOLS**

**Alcohol Testing:** Breath alcohol testing will be conducted on safety sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, METRO will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, and print the manufacturer's name for the device, the device's serial number and the time of the test.

METRO will only utilize certified Breath Alcohol Technicians (BAT) to perform alcohol testing. The BAT will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures in 49 CFR Part 40, Subpart J. To protect the security of the testing site and process, the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing

process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.

FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.

The alcohol testing procedure is outlined in Addendum F.

**Drug Testing:** Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

METRO is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, METRO will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. METRO has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum B) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.

Under separate contract, specific collection sites are available throughout the Greater Houston area that meet DOT 49 CFR Part 40 specimen collection requirements, are convenient for use and the results are automatically sent to METRO's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.

Collections will be performed in accordance with 49 CFR Part 40 Subpart D and E. (See Addendum E.) In order to protect the security and integrity of the urine collection, each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Wellness Program personnel on a routine basis to assure integrity of the testing process.

The drug collection process is outlined in Addendum E. Laboratory cutoff values are noted in Addendum D.

**Medical Review Officer:** In accordance with FTA regulations, when a drug test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history;
- Afford the employee an opportunity to discuss the test result;
- Decide whether there is legitimate medical explanation for the result;
- Inform the employee that s/he has 72 hours in which to request a test of the split sample; (This time period is inclusive of all weekends and holidays.)
- Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request;

- Inform the employee that if the request is made within this 72 hour timeframe METRO will ensure that the testing will occur;
- Inform the employee that the cost of the testing is not required to be paid by the employee but METRO may request and expect reimbursement;
- Inform the employee that additional testing of the specimen (e.g. DNA testing) is not authorized;
- If split sample testing has been requested, inform the employee to contact Wellness Program staff at (713) 739-4058 to complete the necessary paperwork for split sample testing to be performed.

Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum B.)

Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:

1. The collector identifies a donor's attempt to alter or tamper with their specimen;
2. A specimen test result is reported as invalid because there is no adequate medical explanation for the result;
3. When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
4. The temperature of the specimen falls out of the range of 90 - 100° F.

The collection site will immediately notify METRO of the occurrence and perform a second collection by direct observation. Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The reason to perform direct observation collection will be provided to the employee by either the collector or Wellness Program personnel.

Dilute Specimen Procedure: The following procedure will be followed regarding specimens that are reported as "dilute":

- When METRO is notified by the MRO that a positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test.
- If a METRO employee receives a negative, dilute test result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, the MRO will direct METRO to do a second collection immediately by OBSERVED collection. The employee will be directed to report for re-testing immediately. The result of the second collection will be the test result of record. If the second collection is also negative and dilute, unless directed by the MRO to perform another observed collection, the test result will stand as negative, dilute.
- If a METRO employee receives a negative, dilute test result with a creatinine concentration greater than 5 mg/ml, and the MRO has not directed METRO to perform an observed collection, the result will be treated as a verified negative test. The employee will not be directed to provide another test.
- If a METRO employee declines to take a second test as requested, the employee has refused testing.

## X. DISCIPLINARY CONSEQUENCES OF PROHIBITED DRUG USE AND MISUSE OF ALCOHOL

Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer.

METRO requires all employees to be free of prohibited drugs and alcohol when performing a safety sensitive function. FTA requires that any safety-sensitive employee that receives a verified positive drug test; has a breath alcohol concentration of 0.02 or greater; or refuses to submit to testing must be immediately removed from performing all safety sensitive functions. Any safety-sensitive employee that receives a verified positive drug test result; has a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be provided a listing of a locally available Substance Abuse Professional (SAP) trained and qualified in accordance with the requirements in 49 CFR Part 40.

**Disciplinary Consequences For Positive Alcohol Test Results:** When an employee receives confirmatory alcohol test results within the prohibited time frames, the following disciplinary action will occur:

A confirmed Breath Alcohol Content (BAC) of 0.04 or greater:

Immediate Termination

A confirmed Breath Alcohol Content (BAC) of 0.02 or greater but less than 0.04

The employee will be immediately removed from his/her safety-sensitive duties. The employee will remain off duty until their next scheduled duty period, but not less than 8 hours following the administration of the test. Under METRO authority, prior to returning to duty, the employee will be retested for alcohol. The breath alcohol concentration must be less than 0.02 before the employee may return to duty.

Should the employee test 0.02 or more on the return to work test, the employee will be terminated.

**Any** second offense by an employee will result in immediate removal from safety-sensitive duties and immediate termination of employment.

**Disciplinary Consequences for a Positive Test for Prohibited Drugs:** Prohibited drugs are marijuana, cocaine, opiates, phencyclidine and amphetamines. Based on METRO's Zero Tolerance Policy, the following disciplinary action applies:

Job Applicants

Not Hired

Employee:

Immediate Termination.

**Disciplinary Consequences For Prescription Drugs:** Per FTA regulation, **amphetamines and opiates** are prohibited at all times. A valid prescription for these medications will not

exempt the employee from the disciplinary consequences as noted below. Employees are reminded that if medications with opiates or amphetamines are prescribed by their physician, they should not perform safety sensitive duties until the medication is no longer detectable in their systems. Therefore, when an employee tests positive for these specific drugs, the following disciplinary action applies:

Job Applicants:	Not hired
Employees:	Immediate Termination

Although FTA regulations do not mandate employees that perform safety-sensitive functions to report prescription medication use, it is imperative that employees recognize that prescription medications and certain over-the-counter medications may affect their ability to perform their job duties. It is the responsibility of each covered employee to inform their physician about the type of job duties that they perform and to be aware of the effect drugs may have on the performance of their job.

**Disciplinary Consequences For A Commercial Driver's Licenses Suspension Due To A DUI Conviction:** Per METRO's DWI/DUI and other Criminal Offenses Guideline, any safety-sensitive employee who has been arrested for DWI/DUI will be suspended or re-assigned to a non-safety sensitive position for a maximum period of 90 days and will not be permitted to operate any METRO vehicle, under any circumstances, until there is a disposition by the courts. If the employee has not settled the charge by the end of 90 days, he/she will be suspended without pay until a final disposition is made by the courts.

In the event an employee is convicted of a DWI/DUI, whether such a conviction stems from the operation of a METRO vehicle or a privately owned vehicle, the consequence will be termination of employment.

**Other Disciplinary Consequences:** The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29 requires that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Metropolitan Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the METRO workplace is required to report the conviction in writing to his/her supervisor no later than five (5) calendar days following his/her conviction. METRO will notify the FTA within ten days of receiving notification from the employee. Failure by the employee to report any such conviction will result in termination of employment with METRO. Compliance to the Drug Free Workplace Act of 1988 is required of all recipients of Federal funding and is a condition of employment for all METRO employees to abide by its terms.

**Behaviors that constitute a test refusal:** As noted in 49 CFR Part 40 Subpart I, any of the following behaviors constitute a refusal to submit to drug and/or alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test
- Refusal to sign the certification in Step 2 of the DOT Alcohol Testing Form (ATF);
- Refuses to submit to a directly observed collection;
- Refusal by an employee to submit to a second test when requested by METRO, the MRO, or the collector;
- Failure of the employee to remain at the testing site until collection is complete;



- Any employee who has an MRO-verified adulterated or substituted drug test result;
- Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or METRO;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;
- Refusal to provide urine specimen by an employee who normally voids by utilization of self-catheterization, but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector (e.g., refusing to empty pockets, refusing to leave outer garments, purses, briefcases in a secured location prior to obtaining a specimen);
- Any employee who does not report to the collection site in the allotted time;
- Any employee subject to post-accident testing who fails to remain readily available for such testing, including notifying the employer or the employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately terminated under METRO's policy.

It is METRO's policy that any employee who attempts to tamper with or alter a specimen or obstruct the collection procedure will be immediately terminated.

#### **XI. ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST**

Specific action will be required when a covered employee has a verified positive drug test and/or a confirmed alcohol test result of 0.02 or greater.

When positive drug results are received from the MRO, Wellness Program personnel will immediately notify the appropriate authorized supervisor. The covered employee will be immediately removed from the safety sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.

When a positive alcohol result of 0.02 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined in policy Section X. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.

If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety sensitive position and appropriate disciplinary action will be implemented as outlined in policy Section X.

#### **XII. CONFIDENTIALITY AND RELEASE OF INFORMATION**

According to §40.321, §40.323 and §655.73, the release of individual test results or medical information is to be limited to those persons who are on a need-to-know basis.

Wellness Program personnel are prohibited from releasing test results or medical information about an employee to third parties without the employee's specific written consent.

A “third party” is any person or organization to whom other subparts of this regulation do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process.

“Specific written consent” means a statement signed by the employee that he/she agrees to the release of information to a particular, explicitly identified person or organization at a particular time. “Blanket releases” in which an employee agrees to release a category of information (e.g., all test results to all news media) are prohibited under this part.

All positive results will be reported to the Wellness Program staff. The Wellness staff, upon notification of positive results for drug and/or alcohol or refusals to test, will notify the authorized facility supervisor only. The authorized supervisor will proceed with the necessary disciplinary action as described in this policy according to current practices.

Drug and alcohol test information will be released without the employee’s consent in certain legal proceedings as follows:

- A lawsuit such as a wrongful discharge, grievance or arbitration concerning disciplinary action taken by the employer or an administrative proceeding such as an unemployment compensation hearing brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test.
- Criminal or civil action resulting from an employee’s performance of safety-sensitive duties when a court determines that drug and/or alcohol test information is relevant to the case. The employee will be notified immediately by METRO of the information released.

Drug and alcohol information will be released to the employee only by written consent. The employee will send all written requests to the any Wellness Program staff member as noted in Addendum B.

Drug and alcohol information will be released without written request from the employee when information is requested by any DOT agency representatives, the National Transportation Safety Board and any Federal, state or local safety agency with regulatory authority over METRO.

### **XIII. RECORDS MANAGEMENT**

According to §40.333 and §655.71 the following minimum record retention schedule shall be maintained by METRO’s Wellness Program staff.

All records associated with the Drug and Alcohol Program will be secured in a locked cabinet within a locked file room in the Human Resources Department. Access to these documents will be limited to the Wellness Program staff. Information will be provided to specific persons within METRO, such as Internal Audit personnel, Legal personnel, Labor Relations personnel and Worker’s Compensation personnel, for proceedings requiring release of record information. Request for records from an outside source such as news media or outside legal counsel will require adherence to the confidentiality of records portion of this policy.

## RECORDS RETENTION SCHEDULE

RECORD	RETENTION PERIOD
<ul style="list-style-type: none"> <li>• Alcohol test results of 0.02 or greater</li> <li>• Verified Positive drug test results</li> <li>• Documentation of refusals to take drug or alcohol test</li> <li>• SAP reports of employee evaluation &amp; referrals</li> <li>• Follow-up tests &amp; schedules</li> <li>• Documentation of employee disputes</li> <li>• Evidential Breath Device Calibration documentation</li> <li>• Annual MIS reports</li> </ul>	5 year retention
RECORD	RETENTION PERIOD
<ul style="list-style-type: none"> <li>• Information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees</li> </ul>	3 year retention
<ul style="list-style-type: none"> <li>• Collection log books</li> <li>• Random selection records</li> <li>• Documentation supporting reasonable suspicion testing</li> <li>• Documentation generated for decisions on post accident testing</li> <li>• MRO documents verifying a medical explanation for shy lung or shy bladder</li> <li>• Employee training materials on drug &amp; alcohol including a copy of the policy</li> <li>• Training logs with names, dates &amp; times</li> <li>• Supervisor training for reasonable suspicion</li> <li>• Credentialing documentation from service agents</li> </ul>	2 year retention
<ul style="list-style-type: none"> <li>• Records of negative drug &amp; alcohol tests</li> </ul>	One year retention

## ATTACHMENTS

Addendum A	Safety Sensitive job classifications
Addendum B	MRO, SAP, Laboratory, Collection sites and Program staff
Addendum C	Annual Random Testing Rates
Addendum D	Laboratory Testing Limits
Addendum E	Drug Testing Procedure
Addendum F	Alcohol Testing Procedure

## ADDENDUM A

### SAFETY SENSITIVE JOB CLASSIFICATIONS

The following job classifications have been reviewed by Compensation and Wellness personnel within the Human Resources Department. Personnel performing the job functions within these identified job classifications have been determined to meet the FTA criteria and are classified as safety-sensitive.

The numeric code for each type of safety-sensitive function has been assigned as follows:

- Operates a revenue service vehicle whether in or out of service 001
- Maintains a revenue service vehicle or maintains equipment used in revenue service 002
- Controls dispatch or movement of a revenue service vehicle 003
- Operates a non-revenue vehicle requiring a CDL 004
- Carries a firearm for security purposes 005

Position	Title	SS code
714065	AC & Heat A	004
715008	Apprentice Transit Mechanic	002
714001	Body Repair & Refinisher A	002
714002	Body Repair & Refinisher B	002
714093	Bus Electrical Repair A	002
816008	Bus Operator	001
816001	Bus Operator Trainee	001
714018	Bus Repair A	002
714019	Bus Repair B	002
714033	Bus Repair Brake Repair A	002
714026	Bus Repair C	002
205032	Captain Professional Standards	005
205033	Captain Transtar	005
714141	Certified Structural Welder Fabricator	002
101161	Chief Field Supervisor	001
101162	Chief Rail Operations Controller	003
101157	Chief Signals Communications	002
101158	Chief Track Maintenance	002
101159	Chief Traction Power	002
817007	Cleaner	002
308032	Digital Bench Specialist	002
100142	Dir Maintenance of Way	002
100143	Dir Operations Control Center	003
100144	Dir Rail Transportation	001
100140	Dir Rail Vehicle Maintenance	002
613002	Dispatcher	003
308086	Elec Communications Spec BB	002
308087	Elec Communications Spec EM	002
308085	Elec Communications Spec F	002
308088	Elec Communications Spec FSC	002
308084	Elec Communications Spec HC	002

308081	Elec Communications Spec K	002
308082	Elec Communications Spec P	002
308133	Elec Communications Spec Rail	002
308083	Elec Communications Spec W	002
308026	Emissions Systems Tech	002
714064	Engine Dynamometer Diag Lab Tech	002
102042	Facility Foreman	004
204108	Field Safety Supervisor	004
102048	Foreman Vault Attendants	004
817017	General Maintenance Mech A Crane Opr	004
714109	General Maintenance Journey	004
817008	General Maintenance Mechanic A	004
816033	HOVL Operator	004
101097	HOVL Superintendent	004
102010	HOVL Supervisor	004
714140	Journey Mechanic Paint Body Repair	002
714104	Journey Mechanic	002
714143	Journey Technician Rail Automotive	002
714108	Journey Technician	004
613003	Lead Dispatcher	003
102150	Lead Maintenance of Way	002
818008	Lead Storeroom Attendant	004
714105	Licensed Journey Electrician	004
714107	Licensed Journey Mechanical	004
714106	Licensed Journey Plumber	004
714110	Licensed Maintenance Mechanic	004
816044	LRT Operator	001
816045	LRT Operator Trainee	001
714142	LRV Body Mechanic	002
308126	LRV Electronic Specialist	002
714145	LRV Machinist	002
102135	LRV Maintenance Supv	002
714144	LRV Technician	002
714146	LRV Technician Trainee	002
714095	Machinist	002
714096	Machinist Tool & Die Maker	002
715001	Maintenance Apprentice	002
308119	Materials Coordinator FSC	004
308118	Materials Coordinator K	004
102118	Mechanical Fmn Body Shop	002
102120	Mechanical Fmn Brake Shop	002
102125	Mechanical Fmn F	002
102126	Mechanical Fmn FSC	002
102124	Mechanical Fmn HC	002
102117	Mechanical Fmn Heavy Repair	002
102121	Mechanical Fmn K	002
102122	Mechanical Fmn P	002
102119	Mechanical Fmn Unit Overhaul	002
102123	Mechanical Fmn W	002

102043	Mechanical Foreman	002
613005	METROLift Dispatcher	003
102039	METROLift Operations Supv	002
102037	METROLift Service Supv	003
101104	Mgr Dispatch	003
101001	Mgr Metrolift Services	003
101088	Mgr Safety & Training	004
714088	Off Road Technician	004
409026	Officer CBD TMC Bike Day	005
409011	Officer Hot Spots	005
409008	Officer Patrol Evening	005
409021	Officer Prob Patrol	005
409001	Police Cadet	005
205001	Police Captain	005
613004	Police Dispatcher	003
205002	Police Lieutenant	005
409003	Police Officer	005
409002	Police Officer Probationary	005
308060	Police Sergeant	005
800002	PSA Service Maintenance	002
816043	Pt Bus Operator	001
816009	Pt Bus Operator Trainee	001
600007	Pt METROLift Dispatcher	003
400001	Pt Police Officer	005
400003	Pt Police Officer Probationary	005
308030	Quality Assurance Inspector	002
204104	Rail Maint Safety Trng Specialist	002
102136	Rail Operations Controller	003
204105	Rail Transp Safety Trng Specialist	001
600010	Relief Dispatcher	003
200007	Relief Field Safety Supv	004
200003	Relief Safety Trng Instructor	004
200004	Relief Service Safety Supv	004
204114	Safety Coordinator	004
204051	Safety Training Instructor	004
204053	Service Safety Supervisor	004
714017	Sheet Metal Body Repair A	002
308128	Signals Communications Maintainer	002
714089	Small Engine Technician	004
100118	Sr Dir Rail Operations	001
714147	Sr Machinist	002
613012	Starter	001
101163	Station Master	001
102137	Station Supervisor	001
818007	Storeroom Attendant	004
204087	Street Supv METROLift	004
204086	Street Supv Special Events	004
714087	Support Vehicle Technician	004
102139	Supv Bus Dispatch	003

102088	Supv METROLift Operations	002
308124	SV Emissions State Insp Tech	004
714090	T Truck Wrecker Operator	004
308090	Tech Services Specialist FSC	002
308089	Tech Services Specialist K	002
714103	Tool Room Attendant	004
714124	Tool Room Attendant Technician	004
308129	Track Maintainer	002
308127	Traction Power Maintainer	002
714048	Unit Rebuild A	002
714049	Unit Rebuild B	002
612041	Vault Attendant	004
100103	VP Chief of Police	005
510058	Yard Supervisor I F	002
510057	Yard Supervisor I HC	002
510054	Yard Supervisor I K	002
510055	Yard Supervisor I P	002
510056	Yard Supervisor I W	002
510063	Yard Supervisor II F	002
510062	Yard Supervisor II HC	002
510059	Yard Supervisor II K	002
510060	Yard Supervisor II P	002
510061	Yard Supervisor II W	002
510069	Yard Supervisor III BB	002
510068	Yard Supervisor III F	002
510067	Yard Supervisor III HC	002
510064	Yard Supervisor III K	002
510065	Yard Supervisor III P	002
510066	Yard Supervisor III W	002
<b>Total Number of safety-sensitive functions</b>		<b>158</b>

## **ADDENDUM B**

### **SERVICE VENDORS & PROGRAM STAFF**

#### **Medical Review Officer (MRO)**

##### **Dr. J.D. Britton**

Texas Occupational Medicine Institute  
117578 Katy Freeway Suite 1540  
Houston, TX 77079  
281-496-2992

#### **Substance Abuse Professional (SAP)**

##### CIGNA Behavioral Health

**Judy Kaplan**, ACSW, MSW  
3701 Kirby Drive, Suite 945  
Houston, TX 77098  
713-521-0540

**Ron Covey**, LPC, MS  
1001 E. Southmore, Suite 1000  
Pasadena, TX 77502  
713-268-6786

#### **Laboratory Drug Testing**

MedTox Laboratories, Inc.  
402 West County Road D  
St. Paul, MN 55112

#### **Collection Site**

Houston Medical Testing Services  
2646 South Loop West, Suite 550  
Houston, TX 77054  
713-665-4687

#### **METRO Drug & Alcohol Program Administration**

Linda K. Tancek  
Manager, Wellness Programs  
1900 Main Street  
Houston, TX. 77002  
713-739-4058

Patricia Johnson-Dickson  
Drug & Alcohol Program Coordinator  
1900 Main Street  
Houston, TX 77002  
713-739-4994



## **ADDENDUM C**

### **ANNUAL RANDOM TESTING RATES**

The annual random testing rates are posted in the Federal Register each year (usually December) the testing rates effective for all DOT regulated entities for the next year. The rates listed below are the current random drug and alcohol testing rates and will be updated when the rates are changed.

- **At least 50% of the total number of safety sensitive employees will be drug tested.**
- **At least 10% of the total number of safety sensitive employees will be alcohol tested.**

## ADDENDUM D

### LABORATORY TESTING CUTOFF LEVELS

#### Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level (Immunoassay Testing method)	Confirmation Test Level (Gas Chromatography/Mass Spectrometry –GC/MS Testing method))
1. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
2. Cocaine Metabolites (Benzoylecgonine)	300 ng/ml	150 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines a. Amphetamine b. Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (Specimen must also contain amphetamine at a concentration $\geq$ 200 ng/ml)
5. Opiate Metabolites a. Codeine b. Morphine c. 6 acetylmorphine	2000 ng/ml	2000 ng/ml 2000 ng/ml 10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration $\geq$ 2000 ng/ml)

**Reference: 49 CFR Part 40.87**

## ADDENDUM E

### DRUG TESTING PROCEDURES

#### Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure however; any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay. For pre-employment testing, the testing process is not considered to have begun until the individual has been provided with a specimen collection cup by the collector.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Driver's license or METRO Identification card. If the employee does not have identification, the collection site will contact the DER to verify the identity of the employee. It is METRO's policy that the collection site takes a photo for identification purposes. If the employee's identity cannot be verified, a specimen collection cannot be conducted.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or coveralls. All clothing and personal items such as a briefcase, cell phone, purse or other items will be placed in a secure location. Although the employee will not be required to remove all clothing, he/she will be directed to display the contents of pockets to ensure that no items are present which could be used to adulterate or tamper with their specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to provide a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to provide a single specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. The three (3) hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure. The employee will be immediately placed on administrative leave until the shy bladder evaluation is complete.
10. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.

12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels. With the sealed bottles in view of the employee, the employee will be instructed to wash and dry their hands.
13. The Custody and Control Form will be completed with the appropriate signatures, employee printed name, signature, birth date and current date.
14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.

“Shy Bladder” evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three (3) hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically §40.193 and §40.195. Outlined below is the process that will be utilized however, any technical interpretation will be based on the actual regulation.

1. All specimens of insufficient quantity that have been collected will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
2. The collection procedure will be discontinued after 3 hours and documented on the custody and control form. The collector must notify Wellness Program staff and the MRO within 24 hours however, it is expected that each collection site will notify Wellness Program staff immediately and will send the custody and control form with the documentation within the 24 hour period.
3. Wellness Program staff will consult with the MRO, and a licensed physician acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five (5) days of the occurrence. Wellness Program staff will contact the employee with the selected physician's name, location and date of the evaluation.
4. The employee will be placed on administrative leave pending medical results.
5. The MRO shall confer with the evaluating physician and will provide Wellness Program personnel with a written determination as soon as it is made.
6. If it has been determined that a medical condition exists, the test will be considered “cancelled” and the employee resumes working.
7. If it has been determined that no medical condition exists, the test will be considered a “refusal to test”. The employee will be terminated and referred to the SAP.

## ADDENDUM F

### ALCOHOL TESTING PROCEDURES

#### Breath Alcohol Collection Process

Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Texas Driver's license or METRO Identification card. If the employee does not have identification, the collection site will contact the DER to verify the identity of the employee. It is METRO policy that the collection site takes a photo for identification purposes. If the employee's identity cannot be verified, a specimen collection cannot be conducted.
4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.
5. The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung". The employee will be immediately placed on administrative leave until the shy lung evaluation is complete.
8. After successful completion of the testing, the employee will be shown the results.
9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Wellness Program staff in a confidential manner.
10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test must be performed. The confirmation test must be conducted after a waiting period of at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.
12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.

13. The employee shall be shown the results of the confirmation test and the BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
14. The BAT will immediately notify the Wellness Program staff of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.
15. In order to confirm that telephoned results are valid when received from the collection site, Medical Services personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung” evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically §40.265. Outlined below is the process that will be utilized however, any technical interpretation will be based on the actual regulation.

1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Wellness Program personnel.
2. If the employee refuses to make the attempt, the BAT will discontinue the test, note the fact on the “remarks” line of the ATF and immediately notify the Wellness Program staff. This is a refusal to test.
3. After notification from the BAT, Wellness Program personnel will direct the employee to obtain, within 5 five days, an evaluation from a METRO-authorized physician to determine if there is a medical reason for not being able to provide an adequate amount of breath.
4. If the examining physician determines that a medical condition exists, the employee will resume working.
5. If the examining physician determines that no medical condition exists, it will be considered a “refusal to test”. The employee will be terminated and referred to the SAP.

Small Transit System

Clermont County





**Board of Clermont County Commissioners**  
**Revenue Transit Drug and Alcohol Testing Policy**



## Section 3.08 REVENUE TRANSIT DRUG AND ALCOHOL TESTING POLICY

### A. PURPOSE

1. The Board of Clermont County Commissioners (the Board) provides public transit and para-transit services for the residents of Clermont County through the Clermont Transportation Connection (CTC). Part of our mission is to ensure that these services are provided safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drug and alcohol abuse or misuse in order to promote the health and safety of employees and the general public. In keeping with this mission, the Board declares that unlawful manufacturing, distributing, dispensing, possessing, or using controlled substances or the misuse of alcohol is prohibited for all employees.
2. Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. This policy complies with all applicable Federal regulations governing workplace anti drug and alcohol programs in the transit industry.
3. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655 (Part 655), as amended, that mandates urine drug testing and breath alcohol testing for positions defined as safety-sensitive in 49 CFR 40.3 and prohibits the performance of any safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (US DOT) has also published 49 CFR Part (Part 40), as amended, that sets standards for the collection and testing of urine and breath specimens.
4. Any provisions set forth in this policy that are included under the sole authority of the Board and are not provided under the authority of the above named Federal regulations are underlined.

### B. APPLICABILITY

1. This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) as defined in Part 655, as amended, when performing safety-sensitive functions.
2. *Safety-Sensitive Function* means:
  - a. The operation of a mass transit service including the operation of a revenue service vehicle (**whether or not the vehicle is in revenue service**); or
  - b. The maintenance of a revenue service vehicle or equipment used in revenue service; or
  - c. Dispatching or controlling the movement of revenue service vehicles.
3. A maintenance function includes:
  - a. Repairing; or

- b. Overhauling; or
  - c. Rebuilding engines, vehicles, or equipment used in revenue service.
4. A list of safety-sensitive positions who perform one or more of the above-mentioned duties is provided in Appendix 3.25.
  5. Supervisors are only safety-sensitive if they perform one of the above functions. Volunteers are considered safety-sensitive and subject to testing if they are required to hold a CDL to perform their duties, or if they receive remuneration for service in excess of actual expenses.

### C. DEFINITIONS

Words or phrases used in this part are defined in 49 CFR 655.4 and 49 CFR 40.3, as amended, except as provided in this section:

1. *Accident* means an occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:
  - a. An individual dies;
  - b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
  - c. One or more vehicles incur disabling damage as the result of the occurrence and are removed from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage, which precludes the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that make them inoperative.
2. *Adulterated specimen* means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
3. *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.
4. *Alcohol Concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.
5. *Cancelled Test* means a drug test that a Medical Review Officer has declared invalid. A cancelled test is neither positive nor negative.
6. *Covered Employee* means an employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-

sensitive function (See Appendix 3.25 for a list of covered employees), and other employees, applicants, or transferee that will not perform a safety-sensitive function but who fall under the policy of the Board's own authority.

7. *Designated Employer Representative (DAPM/DER)* means an employee authorized by the Board to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DAPM/DER also receives test results and other communications for the Board, consistent with the requirements of Part 40 and Part 655, as amended.
8. *Department of Transportation (DOT)* means a department of the federal government which includes the Federal Transit Administration (FTA), Federal Railroad Administration (FRA), Federal Highway Administration (FHA), Federal Motor Carriers' Safety Administration (FMCSA), Research and Special Programs (RSP), and the Office of the Secretary of Transportation.
9. *Dilute specimen* means a specimen with creatinine and specific gravity values that are lower than expected for human urine.
10. *Disabling damage* means damage to a vehicle which precludes the departure of a vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that make them inoperative.
11. *Evidentiary Breath Testing (EBT) Device* means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA website on the conforming products list.
12. *Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.
13. *Negative Dilute* means a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine. Negative dilute test results will cause an immediate retest.
14. *Negative test result for a drug test* means the absence of any drug/drug metabolite identified in Part 40 as amended, or the verified presence of the prohibited drug/drug metabolite below the minimum levels specified in Part 40, as amended.
15. *Negative test result for an alcohol test* means a test with a result of less than 0.02 BAC.
16. *Non-negative test result* means a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

17. *Performing a safety-sensitive function* means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.
18. *Positive test result for a drug test* means a verified presence of the identified drug/drug metabolite at or above the minimum levels specified in Part 40, as amended.
19. *Positive alcohol test result* means a confirmed alcohol concentration of 0.04 BAC or greater.
20. *Prohibited drug* means marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels equal to or above the minimum thresholds specified in Part 40, as amended.
21. *Revenue Service Vehicle* means all transit vehicles that are used for passenger transportation service or that require a CDL to operate. It also includes all ancillary vehicles used in support of the transit system.
22. *Safety-sensitive functions* include:
  - a. The operation of a transit revenue service vehicle even when the vehicle is not in revenue service; and/or
  - b. The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL); and/or
  - c. Maintaining a revenue service vehicle or equipment used in revenue service; and/or
  - d. Controlling the movement of a revenue service vehicle.
23. *Substance Abuse Professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.
24. *Substituted specimen* means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.
25. *Test Refusal* means the MRO has reported that there is a verified adulterated or substituted test result; or any of the following if the employee:
  - a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;

- b. Fails to remain at the testing site until the testing process is complete;
  - c. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
  - d. Fails to permit the observation or monitoring of the specimen collection, in the case of a directly observed or monitored collection in a drug test;
  - e. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - f. Fails or declines to take a second test that the employer or collector has directed him or her to take;
  - g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DAPM/DER as part of the "shy bladder" or "shy lung" procedures;
  - h. Fails to cooperate with any part of the testing process (e.g., refuses to empty his or her pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, etc); or
  - i. Fails or refuses to sign Step 2 of the alcohol testing form.
26. *Verified negative test* means a drug test result reviewed by a MRO and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by Part 40, as amended.
27. *Verified positive test* means a drug test result reviewed by a MRO and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in Part 40, as amended.
28. *Validity testing* means the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### D. EDUCATION AND TRAINING

1. Every safety-sensitive employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including Part 40 and Part 655, as amended.
2. All covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use. Upon completion of the training, employees will sign and date Appendix 3.23 Substance Abuse Training Acknowledgment Form to document receiving the training. Training forms will be forwarded to the County DAPM/DER for retention.
3. All supervisory personnel and management personnel who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable

suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Supervisors will forward documentation of the training to the County DAPM/DER for retention.

4. Information on the signs, symptoms, health effects, and consequences of substance abuse is presented in Appendix 3.26 of policy.

#### E. PROHIBITED SUBSTANCES

1. Prohibited substances addressed by this policy include the following.
  - a. Illegally used controlled substance or drugs under the Drug-Free Workplace Act of 1988, any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes the use of any illegal drug, misuse of legally prescribed drugs, and the use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which would cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.
  - b. Part 655, as amended requires that the Board test all covered employees for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime they are on duty.
2. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the employee's supervisor. The employee is further required to provide a written release from his or her doctor or pharmacist indicating that the employee can perform his or her safety-sensitive functions.
3. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive functions is prohibited. An alcohol test can be performed on a covered employee under Part 655, as amended, just before, during, or just after the performance of safety-sensitive job functions.

#### F. PROHIBITED CONDUCT

1. A covered employee is prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in Part 655, as amended.



2. A covered employee is prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions, while performing safety-sensitive job functions, or while on-call to perform safety-sensitive job functions. The Board, under its own authority, prohibits the consumption of alcohol at all times while a safety-sensitive employee is on duty, or anytime the employee is in uniform.
3. If an on-call employee has consumed alcohol, he or she must report the use of alcohol at the time that he or she is called to report for duty. The Board, under its own authority, will relieve the covered employee of his or her on-call responsibilities and will subject the covered employee to discipline.
4. A County supervisor will not permit any employee to perform his or her safety-sensitive duties if the supervisor has actual knowledge that the employee is using alcohol or abusing any drugs.
5. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 BAC or greater regardless of when the alcohol was consumed.
6. No covered employee will consume alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident alcohol test, whichever occurs first.
7. Consistent with the Drug-free Workplace Act of 1988, all County employees are prohibited from engaging in unlawful manufacturing, distributing, dispensing, possessing, or using prohibited substances in the work place including County premises and vehicles.

#### G. DRUG STATUTE CONVICTION

1. Consistent with the Drug Free Workplace Act of 1988, all County employees are required to notify the DAPM/DER (see Appendix 3.13) of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction.
2. The Board, under its own authority, will remove from County employment any employee who fails to comply with this requirement.

#### H. TESTING REQUIREMENTS

1. Analytical urine drug testing and breath testing for alcohol will be conducted as required by Part 40, as amended.
  - a. All applicants for safety-sensitive positions including current Clermont County employees who are not safety-sensitive will be subject to pre-employment drug and/or alcohol testing as defined in Section K of this policy.
  - b. All covered safety-sensitive employees will be subject to testing prior to performing a safety-sensitive duty, for reasonable suspicion, following an accident, and randomly as defined in Sections L through N of this policy.

2. The Board, under its own authority, will remove from employment any covered employee who has a verified positive drug/alcohol test and will refer him or her to the SAP.
3. A drug test can be performed any time a covered employee is on duty.
4. An alcohol test will be performed just before, during, or just after the performance of a safety-sensitive job function.
5. The employee notified to respond to a collection site for a drug or alcohol test will be given an Order for Drug - Alcohol Testing form (see Appendix 3.10) from his or her supervisor or designee, or the form may be faxed to the collection site for test documentation. This form will be forwarded to the DAPM/DER when completed.
6. The supervisor or designee directing the employee to respond to a collection site for testing, will establish a reasonable time for the employee to arrive at the collection site specified, based on travel distance to the collection site when notified, traffic, time of day, local road construction, etc., and will notify the employee of the allotted travel time. An employee who fails to arrive at the collection site by the time specified will be subject to discipline unless he or she provides documented circumstances beyond his or her control to explain the delay.
7. All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of continuing employment with Clermont County. Any safety-sensitive employee who refuses to comply with any testing requirements will be removed from employment with Clermont County and will be referred to the SAP.
  - a. A covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection.
  - b. Verification of the above listed actions will be considered a test refusal and will result in the employee being removed from employment with Clermont County and being referred to the SAP. Refer to Section C DEFINITIONS for behavior that constitutes a refusal to test.
8. Clermont County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

#### I. DRUG TESTING PROCEDURES

1. Testing will be conducted in a manner to assure a high degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). All testing will be conducted consistent with the procedures set forth in Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug

testing procedure, and the validity of the test result.

2. The drugs that will be tested for include marijuana, cocaine, amphetamines, opiates, and phencyclidine. After the identity of the donor is checked using photo identification, a urine specimen will be collected using the split specimen collection method described in Part 40, as amended.
3. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual.
4. Each specimen from a non-DOT test will be accompanied by a non-regulated Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual.
5. Only HHS certified laboratories will conduct specimen analysis. The certified lab will conduct an initial drug screen and validity test on the primary urine specimen. The lab will conduct a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) on all specimens with a non-negative test result. The test will be reported positive if the amount of the drug/drug metabolites identified by the GC/MS test are above the minimum thresholds established in Part 40, as amended.
6. The certified laboratory will report the test results to the MRO. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative test result, and provide the employee with an opportunity to explain the test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for the test result. If no legitimate medical explanation is found, the test will be verified either as positive or as a refusal to test and will notify the Clermont County DAPM/DER. If there is a legitimate explanation the MRO will report the test result as negative to the DAPM/DER and no further action will be taken.
7. If the test is invalid without a medical explanation, a retest will be conducted under direct observation consistent with Part 40, as amended. Collection under direct observation (by a person of the same gender), with no advance notice will occur if:
  - a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the DAPM/DER that there was not an adequate medical explanation for the result; or
  - b. The MRO reports to the DAPM/DER that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
  - c. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
  - d. The temperature on the original specimen was out of range.

8. Any employee who questions the results of a required drug test under this policy may request that the split sample be tested. The split sample test will be conducted at a second HHS certified lab having no affiliation with the laboratory that analyzed the primary specimen. The test will be conducted on the split sample that was provided by the employee at the original collection. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in Part 40, as amended. The employees must request a split sample test through the MRO within 72 hours of being notified of the original sample verified test result. The MRO may honor a request for split specimen testing after 72 hours if the delay was due to documented facts that were beyond the control of the employee. Clermont County will guarantee that the cost for the split specimen test is covered in order for a timely analysis of the sample however, the employee is required to pay for the split sample test.
9. The MRO will declare the original test to be cancelled and will direct the DAPM/DER to have the employee retested under direct observation if the analysis of the split specimen fails to confirm the presence of the drug/drug metabolites detected in the primary specimen, or if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate.
10. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, the split specimen will be retained for testing if so requested by the employee through the MRO. If the primary specimen is positive, both it and the split specimen will be retained in frozen storage for one year.

J. ALCOHOL TESTING PROCEDURES

1. Tests for breath alcohol concentration will be conducted utilizing an NHTSA-approved testing device operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 BAC or greater, a second test will be performed to confirm the results of the initial test. The second test will be conducted at least fifteen minutes after the completion of the initial test using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, test time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
2. An employee who has a verified positive alcohol test result (a concentration of 0.04 BAC or greater) will be considered in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy.
3. Even though an alcohol test with a confirmed alcohol concentration between 0.02 BAC and 0.039 BAC is not considered positive, the employee will be removed from duty for at least eight (8) hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q. of this policy.

4. An alcohol concentration of less than 0.02 will be considered a negative test.
5. The alcohol testing form (ATF) required by Part 40, as amended, will be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

1. All applicants for safety-sensitive positions covered under this policy, whether internal or external, will undergo urine drug testing prior to performing a safety-sensitive function.
2. All offers of employment for covered positions will be extended conditioned upon the applicant passing a drug test. An applicant will not be placed into a safety-sensitive position unless the applicant takes a drug test with verified negative result, and an alcohol concentration below 0.02, if administered.
3. The Board, under its own authority, will rescind the conditional offer of employment to any candidate who fails a pre-employment drug or alcohol test. Failure of a pre-employment drug/alcohol test will disqualify an applicant for future employment with Clermont County.
4. If an internal candidate being placed, transferred, or promoted from a non safety-sensitive position to a safety-sensitive position has a verified positive drug/alcohol test result, the employee will be removed from employment and will be referred to the SAP.
5. In instances where a covered employee is on extended leave for a period of 90 days or more regardless of any reason, and is not in the random testing pool he or she will be required to take a pre-employment drug test and have a negative test result prior to performing any safety-sensitive functions.
6. A covered employee who is laid off and subsequently recalled to the same or a substantially similar position covered by a DOT regulated drug/alcohol testing program will undergo pre-employment testing prior to performing any safety-sensitive functions regardless of the length of time he or she was laid off.
7. All applicants for covered positions are required to report previous DOT-covered employer drug/alcohol test results. Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer the applicant will not be eligible for employment with Clermont County.

L. REASONABLE SUSPICION TESTING

1. All covered employees will be subject to reasonable suspicion drug/alcohol testing when there is reasonable suspicion to believe that the employee has used a prohibited drug or engaged in alcohol misuse. Reasonable suspicion means that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals will be made by one or more supervisors or management employees trained to detect the signs and symptoms of drug/alcohol use, and

who reasonably conclude that an employee may be adversely affected or impaired in his or her work performance due to possible drug/alcohol misuse. A reasonable suspicion alcohol test will only be conducted just before, during, or just after the performance of a safety-sensitive job function.

2. A County supervisor or a management employee will be responsible for transporting the employee to the testing site. The transporting employee should avoid placing him- or herself or others into a situation which might endanger the physical safety of those present. The employee will be placed on administrative leave pending further action. An employee who refuses to submit to a drug/alcohol test will not be permitted to finish his or her shift and will immediately be removed from employment with Clermont County and will be referred to the SAP.
3. A written record of the observations which led to a drug/alcohol test based on reasonable suspicion will be prepared and signed and dated by the employee making the determination. This written record will be submitted to the DAPM/DER and will be attached to the test results.
4. When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to his or her supervisor or to HR the employee will be referred to the EAP for an assessment.
5. The Board, under its own authority, will place the employee on administrative leave in accordance with the provisions set forth under Section Q. of this policy.
  - a. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.
  - b. Self-referral does not exempt the covered employee from testing under Part 655, as amended and as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.
6. Self-referrals are not valid once an employee has been notified to report for testing.

#### M. POST-ACCIDENT TESTING

1. DOT Accidents
  - a. Fatal accidents
    - (1) As soon as practicable following an accident involving the loss of human life, the County employee investigating the accident will have each surviving covered employee operating the revenue transit vehicle at the time of the accident tested for drugs and alcohol, **whether or not the vehicle was in revenue transit service at the time of the accident.**
    - (2) The investigating employee will also have any other covered employee (mechanic, dispatcher, etc.) tested for drugs and alcohol, whose

performance could have contributed to the accident as determined by the investigating employee using the best information available at the time of the decision.

- (a) Form #3.10 Order for Drug - Alcohol Testing will be completed for indicating a DOT mandated post accident test.
- (b) The federal Chain of Custody and Control Form (CCF) will be used by collection site staff.
- (c) The investigating employee will clearly instruct the employee being tested that the testing is being conducted under the authority of the DOT.

b. Non-fatal accidents

(1) As soon as practicable following a non-fatal accident the County employee investigating the accident will have each surviving covered employee operating the revenue transit vehicle at the time of the accident tested for drugs and alcohol, **whether or not the vehicle was in revenue transit service at the time of the accident.** This includes incidents where:

- (a) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- (b) One or more vehicles (including non-FTA funded vehicles) incurs disabling damage as a result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle.

(2) The investigating employee will also have any other covered employee (mechanic, dispatcher, etc.) tested for drugs and alcohol, whose performance could have contributed to the accident as determined by the investigating employee using the best information available at the time of the decision.

- (a) Form #3.10 Order for Drug - Alcohol Testing will be completed for all post-accident testing indicating a DOT mandated test.
- (b) The federal Chain of Custody and Control Form (CCF) will be used by collection site staff.
- (c) The investigating employee will clearly instruct the employee being tested that the testing is being conducted under the authority of the DOT.

2. Non-DOT Accidents

- a. The Board, under its own authority, will conduct **Non-DOT Post Accident Testing** for all incidents which do not meet the criteria established above, which involves a revenue transit vehicle (whether or not the vehicle was in revenue transit service at the time of the accident), except where two vehicles strike mirrors in passing and no person involved receives any injury

related to the incident.

- b. Form #3.10 Order for Drug - Alcohol Testing will be completed for all post-accident testing indicating a Non-DOT mandated test.
  - c. The non-DOT regulated Chain of Custody and Control Form (CCF) will be used by collection site staff.
  - d. The investigating employee will clearly instruct the employee being tested that the testing is being conducted under the authority of the Board and not the DOT.
3. If an alcohol test required by this section is not administered within two (2) hours following the accident, the investigating employee will document the reason(s) the alcohol test was not promptly administered.
    - a. If an alcohol test required by this section is not administered within eight (8) hours following the accident, the investigating employee will cease any attempts to administer an alcohol test and will document the reason(s) that the test was not administered.
    - b. The report will be forwarded to the County DAPM/DER along with a copy of the accident report.
    - c. The DAPM/DER will retain the report according to the regulations and will submit records to the FTA upon request of the Administrator.
  4. The Board will ensure that a covered employee required to be drug tested under this section is tested as soon as practicable but within 32 hours of the accident.
  5. A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the CTC Supervisor or designee of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed by the Board to have refused to submit to testing. A covered employee who fails to remain available for testing will be subject to discipline for a refusal to test as outlined in Section Q of this policy.
  6. Nothing in this section will be construed to require the delay of necessary medical attention for the injured following an accident, to prohibit a covered 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.
  7. The results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, will be considered to meet the requirements of this section provided such test conforms to the applicable Federal, State, or local testing requirements, and that the test results are legally obtained by the Board. Such test results may be used only when the Board is unable to perform a post-accident test within the required period noted above.

#### N. RANDOM TESTING



1. All covered employees will be subject to random, unannounced testing. The selection of employees will be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
2. The dates for administering unannounced testing of randomly selected employees will be spread reasonably throughout the hours of operation for the department.
3. All covered employees will be in a pool from which the random selection is made. Each covered employee in the pool has an equal chance of selection each time the selections are made. Each covered employee that falls under FTA regulations will be included in one random pool. Each employee will remain in the pool and be subject to selection, whether or not the employee has been previously tested.
  - a. The Board has no input into the selection of any employee in the selection pool; and
  - b. The number of employees randomly selected for drug and alcohol testing during the calendar year will be not less than the percentage rates established in Part 655, as amended, for those safety-sensitive employees subject to random testing.
4. A random drug test can be conducted at any time during an employee's shift. A random alcohol test can be conducted just before, during, or just after the employee performs a safety-sensitive duty. Testing can occur during the beginning, middle, or end of an employee's shift.
5. An employee is required to proceed immediately to the collection site upon notification of his or her random selection.

O. RETURN-TO-DUTY TESTING FOR SELF-REFERRALS

1. A covered employee who self-refers for treatment of a substance abuse problem must have a negative drug and/or alcohol test and be evaluated and released by the SAP before returning to work.
2. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual.
3. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol free and there is no undo concern for public safety.

P. EMPLOYEE SELF-REFERRED FOLLOW-UP TESTING

1. Covered employees who have self-referred for a substance abuse problem will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.
2. In the instance of a self-referral the covered employee will be required to meet with the SAP for assessment, formulation of a treatment plan, and execution of a return to work agreement.

3. The SAP will determine the frequency and duration of the follow-up tests (beyond the minimums) reflecting the SAP's assessment of the employee's unique situation and recovery progress.
4. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate from and in addition to testing required under DOT guidelines.
5. The cost of any treatment or rehabilitation services will be paid directly by the employee or his or her insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee will be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him or her to return-to-duty. Any leave taken, either paid or unpaid, will be considered leave taken under the Family and Medical Leave Act.
6. Failure to execute a return-to-work agreement or to remain compliant<sup>1</sup> with the treatment plan will result in removal from County employment.
7. Refusal to submit to a periodic unannounced follow-up drug/alcohol test will be considered a direct act of insubordination and will result in removal from County employment and referral to the SAP.
8. A self-referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the discipline defined in Section Q. of this policy.
9. Periodic, unannounced, follow-up, drug/alcohol tests conducted as a result of a self-referral or management referral which results in a verified positive will be considered a positive test result. The employee will be removed from County employment and will be referred to the SAP.
10. A voluntary referral does not shield an employee from disciplinary action or guarantee employment with Clermont County. Neither does it shield an employee from the requirement to comply with drug and alcohol testing.
11. Self-referrals are not accepted once a covered employee has been notified to report to the collection site for random, post-accident, or reasonable suspicion testing required under Part 40, as amended.

**Q. RESULT OF DRUG/ALCOHOL TEST**

The Board, under its own authority, will remove from County employment any covered employee that has a verified positive drug or alcohol test result from a random, post-accident, reasonable suspicion, or self-referred follow-up drug or alcohol test. The

---

<sup>1</sup>**NOTE\***: Remaining compliant with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work, the result of that test is negative, in the judgment of the SAP the employee is cooperating with his or her treatment plan, and the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.

employee will be referred to the SAP. A drug test with the result of negative dilute will result in the employee being retested.

1. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the DAPM/DER will contact the employee's supervisor to have the employee cease performing any safety-sensitive functions.
2. The employee will be referred to the SAP and will be removed from his or her employment with Clermont County.
3. Refusal to submit to a drug or alcohol test will have the same consequences as a positive test result and will be considered a direct act of insubordination and will result in removal from County employment. A test refusal includes the following circumstances.
  - a. A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to a post-accident alcohol test; or
  - b. A covered employee who leaves the scene of an accident without a legitimate explanation prior to submitting to a drug/alcohol test; or
  - c. A covered employee who provides false information in connection with a drug/alcohol test; or
  - d. A covered employee who provides an insufficient volume of urine or breath without a valid medical explanation. The medical evaluation for "shy bladder" or "shy lung" will take place within five (5) days of the initial test attempt; or
  - e. A verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame; or
  - f. A covered employee whose urine sample has been verified by the MRO as substitute or adulterated; or
  - g. A covered employee who fails to appear for any test within a reasonable time after being directed to do so by his or her supervisor; or
  - h. A covered employee fails to remain at the testing site until the testing process is complete; or
  - i. A covered employee fails to provide a urine specimen for any drug test required by Part 40, as amended, or DOT agency regulations; or
  - j. A covered employee fails to permit the observation or monitoring of a specimen collection; or
  - k. A covered employee fails or declines to take a second test when ordered by the DAPM/DER or collector; or
  - l. A covered employee fails to undergo a medical examination or evaluation,

as directed by the MRO as part of the verification process, or as directed by the DAPM/DER as part of the "shy bladder" or "shy lung" procedures; or

- m. A covered employee fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, etc.); or
  - n. A covered employee fails to sign Step 2 of the Alcohol Testing form.
4. An alcohol test result of 0.02 BAC to 0.039 BAC will result in the removal of the employee from duty for eight (8) hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his or her next shift until he or she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of less than or equal to 0.02 BAC to .039 BAC two or more times within a six month period, the employee will be removed from County employment and will be referred to the SAP.

#### R. GRIEVANCE AND APPEAL

The consequences specified by Part 40, as amended for a positive test or a test refusal are not subject to arbitration.

#### S. PROPER APPLICATION OF THE POLICY

The Board is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors and managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor or manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, will be subject to disciplinary action, up to and including termination.

#### T. INFORMATION DISCLOSURE

- 1. Drug and alcohol testing records will be maintained by the Clermont County DAPM/DER and, except as provided below or by law, the results of any drug or alcohol test will not be disclosed without express written consent of the tested employee.
- 2. The employee, upon written request, is entitled to obtain copies of any records pertaining to his or her use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. A covered employee has the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. A covered employee may not have access to SAP referrals and follow-up testing plans.
- 3. Records of a verified positive drug/alcohol test result will be released to the DAPM/DER by the MRO and by the DAPM/DER to the employee's Department Head on a need to know basis.
- 4. Records will be released to a subsequent employer only upon receipt of a written request signed by the employee.
- 5. Records of an employee's drug/alcohol tests will be released to the adjudicator in

a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test.

- a. The records will be released to the decision maker in the preceding.
  - b. The information will only be released with binding stipulation from the decision maker that he or she will make it available only to parties in the preceding.
  - c. Records will be released to the National Transportation Safety Board during an accident investigation.
6. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- a. Records will be released if requested by a Federal, State or local safety agency with regulatory authority over CTC or its employees.
  - b. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended the Clermont County Prosecuting Attorney, Civil Division will take necessary legal steps to contest the issuance of the order.
  - c. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

#### U. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the appropriate individual identified in Appendix 3.13.

Board of Clermont County Commissioners  
**Safety Sensitive Positions and Testing Authority**

<b>Testing Authority</b>	<b>Test Types</b>	<b>Safety Sensitive Functions</b>	<b>Board Class Title</b>	<b>Board Class No</b>
DOT	Post-Accident Drug and/or Alcohol, Pre-Employment Drug, Random Drug and/or Alcohol, Reasonable Suspicion Drug and/or Alcohol	Revenue Operation (whether or not in revenue service)	Vehicle Operator	49131
DOT	Post-Accident Drug and/or Alcohol, Pre-Employment Drug, Random Drug and/or Alcohol, Reasonable Suspicion Drug and/or Alcohol	Revenue Vehicle Control and Dispatch	Vehicle Dispatcher Administrative Supervisor 2	49141
DOT	Post-Accident Drug and/or Alcohol, Pre-Employment Drug, Random Drug and/or Alcohol, Reasonable Suspicion Drug and/or Alcohol	Revenue Vehicle Equipment Maintenance and Repair	Auto Mechanic 1 Auto Mechanic 2 Auto Mechanic 3 Fleet Intern	59111 59112 59113 N/A
FMCSA	Post-Accident Drug and/or Alcohol, Pre-Employment Drug, Random Drug and/or Alcohol, Reasonable Suspicion Drug and/or Alcohol	CDL Licensed Operators (not covered by Part 655)	WSD Maintenance Technician WSD Maintenance Specialist WSD Maintenance Supervisor Highway Worker III	49211 49212 49214 N/A
Board	Reasonable Suspicion Drug and/or Alcohol		All other positions not listed above	See Index of Class Plan Titles

City Government–FTA and FMCSA

City of Charlottesville





**City of Charlottesville  
Department of Public Works  
Department of Parks & Recreation**

**Anti-Drug Program/Alcohol Misuse Program**

**Summary:** This policy covers city government and it contains language on FTA and FMCSA anti-drug and alcohol misuse policies and establishes an anti-drug and alcohol misuse program for Public Utilities Division Employees, Commercial Vehicle Operators, and Transit Division Employees that complies with the Department of Transportation's (DOT) 49 CFR parts 199, 382, 655, and 40.



**City of Charlottesville  
Department of Public Works  
Department of Parks & Recreation**

**ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM**

As required by the Department of Transportation

Implementation Dates:

**RSPA** - Anti-Drug Program = August, 1990, Alcohol Misuse = January 1, 1995

**FMCSA** - Anti-Drug/Alcohol Misuse = January 1, 1995

**FTA** - Anti-Drug/Alcohol Misuse = January 1, 1996

## **I. INTRODUCTION**

The City of Charlottesville has written and implements its Anti-Drug/Alcohol Misuse Program to ensure compliance with Federal Regulations of the Department of Transportation. This Program is implemented in addition to the City's Drug-Free Workplace Program. In the event that Federal Regulations conflict with the City's Drug-Free Workplace Program, the Federal Regulations shall prevail. In the event that Federal Regulations fail to provide language for a particular situation, the employee shall be subject to the City's Drug-Free Workplace Program or other applicable City Policies.

The Public Works Department is comprised of multiple divisions that provide a wide variety of services. This diversity has resulted in the Department being regulated by three different operating authorities of the Department of Transportation. This has made writing a policy for the Department challenging because the operating authorities' rules differ in some places. This Program will inform the reader in the places where the rules differ by having different categories or another clear method of separating the rules. **DOT allows the City's program to be stricter than their regulations as long as language specific to the City's program is identified. Therefore, where this Program goes beyond the requirements of DOT, the text below is highlighted in bold print.**

### A. Policy Statement

1. The purpose of this policy is to establish an Anti-Drug Program/Alcohol Misuse Program for Public Utilities Division Employees, Commercial Vehicle Operators, and Transit Division Employees that complies with the Department of Transportation's (DOT) 49 CFR Parts 199, 382, 655, and 40. Part 199 requires operators of gas systems to have an Anti-Drug Program/Alcohol Misuse Program for persons who perform operating, maintenance, or emergency-response functions covered by the DOT pipeline safety standards in 49 CFR Part 192, 193, or 195. The Public Utilities Division-Gas Unit has had an Anti-Drug Program in place since August of 1990. The additional alcohol testing requirements were effective on January 1, 1995. Part 382 requires employers to test drivers who are required to obtain a commercial driver's license (CDL) for the illegal use of alcohol and controlled substances and was effective on January 1, 1995. Part 655 requires that Transit Employees who maintain, operate, or control the movement of transit vehicles be tested for controlled substances and alcohol. Effective August 1, 2001, Part 655 replaces Parts 653 and 654 which went into effect on January 1, 1996. DOT has also published 49 CFR Part 40, as

amended, that sets standards for the collection and testing of urine and breath specimens. This policy incorporates the DOT requirements for DOT covered safety-sensitive employees.

Participation in this program is a requirement of all safety sensitive employees, and therefore, is a condition of employment.

2. **It is the policy of the City of Charlottesville to attract and maintain a work force that is free of alcohol or drugs which may impair judgment and job performance and may result in accident or injury to self, other employees, or the general public. For the purpose of this Program an employee who tests positive on a drug test, as defined by DOT, shall be considered impaired.**

3. Any questions in relation to this program should be directed to the DOT Program Manager/Public Utilities Program Coordinator, Mary Kay Kotelec, telephone number: 434-970-3814. (E-mail [kotelec@charlottesville.org](mailto:kotelec@charlottesville.org)). Additional information regarding DOT regulations can also be found at [www.dot.gov/ost/dapc/oamanagers](http://www.dot.gov/ost/dapc/oamanagers).

## II. PROHIBITED BEHAVIOR

A. **Controlled Substances:** Covered employees are prohibited by the Department of Transportation from using marijuana (includes all hemp products), cocaine, opiates, phencyclidine (PCP), and amphetamines at any time. **The City prohibits the use of any controlled substance or other performance-altering drug that cannot be substantiated by medical evidence of legitimate drug use. The City also prohibits any employee from engaging in unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. Additionally, it is the employee's obligation to notify his/her supervisor of any therapeutic drug use that may alter their ability to perform safety sensitive functions. It is imperative that an employee informs his/her supervisor if the prescription indicates that one should not drive, operate machinery, or engage in hazardous activities.** In the event that an employee's drug screen comes back positive due to a prescription drug it shall be the employee's responsibility to provide the Medical Review Officer with proof of a valid prescription in order for test results to be ruled negative. **An employee who is convicted of a drug or alcohol violation occurring in the work place must notify his/her supervisor within 5 days.**

B. **Alcohol:** An employee will be removed from performing safety-sensitive functions: (1) When test results indicate an alcohol concentration of 0.04 or greater; (2) Within four hours after using alcohol; (3) While using alcohol on the job; (4) During the 8 hours following an accident if their involvement has not been discounted as a contributing factor in the accident or until they are tested; (5) if they refuse to submit to required alcohol tests; and (6) if they are in possession of alcohol while driving.

If an employee is found to have an alcohol concentration of 0.02 or greater but less than 0.04, or if the employee is under the influence of or impaired by alcohol, as indicated by behavior, speech and performance indicators of alcohol misuse, and a reasonable suspicion alcohol test cannot be obtained, the employee will have to be removed from safety-sensitive duties for 24 hours under FMCSA regulations or 8 hours under RSPA

and FTA regulations. An employee with a positive drug test shall be removed from covered functions until an evaluation is held, recommendations of evaluation carried out, and the employee has passed a return-to-duty test.

**C. The City of Charlottesville prohibits the use of controlled substances and alcohol while on the job or subject to duty. Use of controlled substances and/or alcohol while on the job or subject to duty, even if the alcohol concentration is 0.02 or greater but less than 0.04 may result in disciplinary action up to and including termination.**

### **III. DRUG AND ALCOHOL TESTING REQUIREMENTS**

#### **A. Employee Categories**

The following employee positions are subject to FMCSA, FTA or RSPA drug and alcohol testing as outlined in this policy.

Employee positions that require a CDL to perform job tasks and are covered by **FMCSA**:

General Maintenance Supervisor, Motor Equipment Operator (I & II), Snow Plow Operator, Maintenance Crew Supervisor, Maintenance Worker III, Maintenance Worker II, Crew Leader, Gardener, Playground Equipment Mechanic, Sanitation Worker, Signal Supervisor, Inspector (Public Service), Auto Mechanic (II & III), Equipment Maintenance Supervisor, Signal Electrician, Traffic Supervisor, Crew Supervisor II, Refuse Supervisor, Auto Aide, Water Quality Inspector, Water Service Technician, Meter Repairer, Parks Service Manager, Systems Quality Inspector, School Bus Operator Supervisor, School Bus Operator, and School Bus Trainer.

Employee positions that are covered by **FTA**:

The following positions perform dispatch duties: Transit Operator Supervisor, Assistant Transit Operator Supervisor, Transit Secretary, Transit Account Clerk, Transit Manager, and Assistant Transit Manager.

The following positions perform revenue vehicle operation duties: Transit Bus Operators.

The following positions perform maintenance duties: Transit Maintenance Worker, Transit Mechanics, and Transit Maintenance Supervisor.

Employee positions that are covered by **RSPA**:

Public Utilities Manager, Assistant Superintendent/Chief Eng., Marketing Supervisor, Operations Supervisor, Administrative Secretary, Training Supervisor, Engineering Tech.(Gas), Gas Mechanic Supervisor, Service Supervisor, Dispatcher, Regulatory Compliance Supervisor, Gasline Welder\*, Regulator Mechanic\*, General Maintenance Supervisor\*, Gas Mechanic, Leak Survey Tech, Chief Dispatcher, Maintenance Crew Supervisor\*, Gasline Inspector, Motor Equipment Operator (Gas)\*, Pipeline Locator, Gas Maintenance Worker \*, Back-up Welder from outside Contractor (if applicable) and Collection Agent for the Department of Finance.

\*Positions hold CDL and are randomly tested for alcohol under FMCSA rules. Fifty percent or more of their job function is covered by RSPA and so all other applicable tests are conducted under RSPA policy. Any employee who performs the functions of a covered employee as described in the policy statement or the definition of a covered employee shall be tested even if their job title is not specifically listed above.

B. Types of Drug Testing : Employees subject to this drug testing program are required to be tested under the following five types of tests:

1. Pre-Employment Testing

- a) A pre-employment drug test will be conducted when an individual is selected to be hired for a position listed in this policy. Said individual will not perform covered safety-sensitive functions until he/she passes the pre-employment drug test.
- b) A pre-employment drug test will be conducted when a current employee transfers from a position not covered by this policy into a position listed in this policy. An employee who previously is separated from a Part 199, 382, or 655 anti-drug program position will be pre-employment tested prior to performing safety-sensitive duties.
- c) If a pre-employment test is canceled, the applicant is required to submit to and pass another test. Pre-employment drug tests for disabled individuals unable to provide sufficient volume can be reported as negative if medical examination shows no evidence of illegal drug use.
- d) Applicants who are offered a position covered by this policy will be tested before being employed. If applicant's drug test is positive, then the matter will be referred to the MRO for review (see Section 7 - Medical Review Officer). Pre-employment job applicants or employees seeking a transfer into a position covered by this policy who test positive will not be hired unless and until the City receives an opinion from the MRO explaining that the positive test result should not be a bar to employment or transfer. Applicants and employees transferring into a covered position have the option to have their sample retested if their request is made to the MRO within 72 hours of the receipt of the final test result from the MRO.
- e) Employees working in a position covered by this policy on the effective date and who continue to work in a covered position do not require a pre-employment test.
- f) In the event that the MRO was not able to contact the applicant to discuss the results of their drug test, the City shall notify an applicant of the results of a pre-employment drug test, if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The applicant will be referred to a qualified SAP.

2. Random Testing

- a) All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position. A covered employee may be randomly tested for prohibited drug use anytime while on duty.
- b) The City will test at least fifty percent (50%) of the covered employees in a calendar year for controlled substances, divided on the basis set forth in paragraph e below. All persons will be subject to be randomly picked for drug testing at each unannounced random testing date. A person may be randomly picked more than once or not picked at all during the annual period.
- c) To assure that the selection process is random, all employees covered by this policy will be placed in a common pool. All full time and

temporary employees will be in this pool. Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.

- d) The random selection procedure will be a computer-based number generator.
- e) Random testing will be done on a monthly basis. Testing will be conducted on different days of the week throughout the annual cycle to prevent employees from matching their drug use patterns to the schedule for collection. Collection for monthly random testing will be spread out over the month. Selected employees will not be notified until immediately prior to the time that they are due at the collection site. Typically ten (10) to thirteen (13) numbers are selected each month.
- f) If an employee is unavailable during a draw period due to vacation or other long-term absence, a replacement number can be drawn using the computerized random number generator to select additional numbers. If an employee is temporarily unavailable, or it is their day off, the number should be held until their next shift within the same testing period. No employee shall be excused because of operational difficulties.
- g) Random alcohol testing will be performed at a rate of at least 10% of the average number of covered positions. This rate is subject to adjustment by DOT as based on the industry's violation rate. Random alcohol testing will be done on a monthly basis with the number of draws based on the size of the random pool.
- h) An employee shall only be tested for alcohol while the employee is performing, just before the employee is to perform, or just after the employee has performed safety-sensitive functions. **It is the City's position that employees that are hired to drive a commercial motor vehicle are expected to be available to drive that vehicle, or perform safety sensitive functions, anytime that they are at work; unless they have a medical excuse that advises that they do not drive.**
- i) Random notifications should be conducted as discreetly as possible in order to ensure the confidentiality and integrity of the process.

3. Post-Accident Testing: Employees working in positions covered by this policy whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident will be tested.

a) FMCSA- Definition of a Qualifying Accident

As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances each surviving driver:

- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- (2) Who receives a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

b) FTA- Definition of a Qualifying Accident

- (1) Whenever there is loss of human life each surviving safety-sensitive employee on duty in the mass transit vehicle and safety-sensitive employees not on the vehicle whose performance could have contributed to the accident shall be tested for drug use and alcohol abuse.
- (2) A non-fatal accident is defined as an occurrence associated with the operation of a revenue service vehicle in which an individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident. Each employee whose performance could have contributed to the accident shall be tested for drug use and alcohol misuse. An accident does not necessarily mean that a collision occurred. An individual falling on the bus and needs to be taken to the hospital would be defined as an accident. The driver, and other safety-sensitive employees involved, would need to be tested unless they can be completely discounted as a contributing factor to the accident.
- (3) With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, or any non-revenue service vehicle, and one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, "disabling damage" means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage that can be remedied temporarily at the scene of the occurrence without special tools or parts; tire disablement without other damage even if no spare is available; or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative;
- (4) With respect to an occurrence in which the mass transit vehicle involved is a railcar, trolley car, trolley bus, or vessel, if the mass transit vehicle is removed from revenue service then testing is warranted.

c) RSPA Definition of a Qualifying Accident.

- (1) Employees working in positions covered by this policy whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident will be tested.



(2) **Pipeline Accident:** An "accident" on a gas pipeline or LNG facility is defined as an "incident" in Pipeline Safety Regulations Part 191.3 as any one of the three types of events listed below:

(a) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and

(i) A death, or personal injury necessitating inpatient hospitalization; or

(ii) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and

(a) A death, or personal injury necessitating inpatient hospitalization; or

(b) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.

(b) An event that results in an emergency shutdown of an LNG facility.

(c) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (a) or (b).

d) Time Frame for Testing Employees

(1) The employee will be tested for controlled substances as soon as possible, but no later than 32 hours after the accident.

Because certain drugs or drug metabolites do not remain in the body for extended periods of time, testing should be as soon as possible. Alcohol tests should be conducted within 2 hours and must be performed within 8 hours.

(2) As soon as practicable following an accident, the City shall test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. If an alcohol test is required, but is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required test is not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. These records shall be made available to FMCSA, RSPA, or FTA upon request.

(3) The decision not to administer a test shall be based on the City's determination, using the best available information at the time of the determination, that the covered employee's performance could not have contributed to the accident.

(4) A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the operator or operator representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the operator to have refused to

submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered 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.

(5) All reasonable steps will be taken to obtain a urine sample for the testing of controlled substances from an employee after an accident. In case of a conscious but hospitalized employee, the hospital or medical facility will be requested to obtain a sample and if necessary, reference will be made to the DOT drug testing requirements.

(a) If an employee who is subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that is a test refusal.

e) Process for Obtaining Specimen Collection/Documentation

(1) Supervisor shall discreetly inform the employee that there is reason to believe that their performance contributed to the accident or cannot be completely discounted as contributing factor to the accident. Remind the employee that a request for a test is not an accusation; it is only a request for additional objective data.

(2) The potentially affected employee will not be allowed to proceed alone to or from the collection site. A supervisor or other appropriate personnel shall accompany him/her to and from the collection site.

(3) After returning from the collection site, the employee should not be allowed to perform covered functions pending the results of the drug test/alcohol test.

(4) Record the activity performed that support the determination to conduct a post-accident test. This documentation should be prepared and signed by the supervisor within 24 hours of the accident or before the results of the tests are released, whichever is earlier, if possible (Post-Accident Record of Decision form is located at the end of this section).

(5) Drivers shall be provided with necessary post-accident information, procedures, and instructions prior to the driver operating a CMV so that drivers will be able to comply with the requirements of Part 382.

(a) FMCSA regulations stipulate that the results of 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, shall be considered to meet the requirements of Part 382, provided such tests conform to applicable Federal, State, or local requirements, and that the results of the tests are obtained by the employer. In the event that the City is unable to conduct a FTA post-accident alcohol and/or drug test due to circumstances beyond its control (i.e. employee is unconscious, incarcerated, etc.), results from local or state law enforcement officers may be used in lieu of FTA tests if provided results are consistent with state and local

law.

**(6) After-hour and holiday post-accident tests shall be collected at the UVA Emergency Room by the UVA WorkMed on-call personnel. Supervisor/employee should report to the ER Security Desk in order to contact the UVA WorkMed on-call staff.**

4. Reasonable Cause Testing
  - a. When there is reasonable cause/suspicion to believe that an employee covered by this policy is using a prohibited drug or using alcohol while on duty, the employee will be required to take a test for controlled substances and/or alcohol. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained by the Employee Assistance Program, or an equivalent program, in drug use symptoms. The supervisor who requires the test may not administer the test.
  - b. A decision to test must be based on specific contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. Alcohol testing is authorized only if the observations are made during, just preceding, or just after the period of the work day that the employee is performing a covered function.
  - c. If an alcohol test is required, but is not administered within two (2) hours following the request for the test, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required test is not administered within eight (8) hours following the request, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. These records shall be completed by the employee's supervisor and forwarded to the Program Manager for inclusion in the drug and alcohol files. These records shall also be made available to FMCSA, RSPA, and FTA upon request.
  - d. **If a drug test is being requested, either on its own or in addition to the alcohol test, it should be conducted within two hours.**
  - e. Process for Obtaining Specimen Collection/Documentation
    - a) Supervisor shall discreetly inform the employee that there is reason to believe that some substance is affecting their performance. Ask the employee to explain the suspected behavior and to describe the events that took place from their perspective. If there is still a reasonable belief that drugs or alcohol are a factor in the situation, a request for testing should be made; if no reasonable belief is determined, then no request for testing should be made. If a decision is made to test, inform the employee that they are being requested to accompany the appropriate official to the specimen collection site to provide a urine/breath specimen. Inform the employee that the consequences of refusal to submit to testing is equivalent to having a positive test result. The supervisor who requests the test cannot perform the test on the employee.
    - b) **The potentially affected employee should not be allowed to proceed alone to or from the collection site. A supervisor or other appropriate personnel shall accompany him/her to and from the collection site.**
    - c) **After returning from the collection site, the employee shall not be allowed to perform covered functions pending the results of the**

**drug/alcohol test. The employee should not be allowed to operate any motor vehicle due to the reasonable cause belief that they may be under the influence of alcohol or a drug(s).**

**d) Record the activity performed that supports the determination to conduct a reasonable cause. This documentation should be prepared and signed by the supervisor within 24 hours of the request for test or before the results of the tests are released, whichever is earlier, if possible. A copy should be forwarded to the Program Manager for filing in the Drug and Alcohol Program Files.**

**e) Notwithstanding the absence of a reasonable suspicion alcohol and/or drug test under this section, no employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol or drugs, as shown by the behavioral, speech, and performance indicators of alcohol misuse or drug use, nor shall the City permit the employee to perform or continue to performs safety sensitive functions until: 1) Negative drug test results are reported; 2) An alcohol test is administered and the driver's alcohol concentrations measures less than 0.02; or twenty four hours have elapsed following the determination that there was reasonable suspicion to believe that the employee had violated the alcohol prohibitions of this program (8 hours for FTA) . **Test results greater than 0.02 or positive drug tests may result in disciplinary actions up to and including termination.****

5. Return To Duty Testing

**a) Return to Duty Testing and Follow-up Testing assumes that the City has elected to retain the employee and has not exercised its authority to terminate the employee.**

b) **Controlled Substances:** Before a covered employee returns to duty requiring the performance of a safety sensitive function after engaging in prohibited conduct, the employee shall undergo a return to duty controlled substance test that results in a verified negative test result.

An employee may not return to duty until they:

- (1) Have been recommended by the SAP for return to duty,
- (2) Pass a DOT drug test, and
- (3) Not failed a drug test required by Part 199, 382, or 655 after returning to duty.

c) **Alcohol:** The City shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by this Program, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and have been recommended by the SAP for return to duty.

6. Follow-up Testing

a) Following the determination that a covered employee is in need of assistance in resolving problems associated with alcohol misuse or drug use, the City shall ensure that the employee is subject to unannounced follow-up alcohol and/or drug testing as directed by a substance abuse professional (SAP). The SAP will recommend education, treatment or both.

- b) Follow-up testing for alcohol shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions. Follow-up testing for drugs shall be conducted anytime the covered employee is on duty.
- c) A minimum of 6 unannounced, follow-up tests must be administered within the first 12 months after the employee has returned to duty. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date that the employee returned to duty. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary.
- d) The City may direct the employee to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the SAP determines that it is necessary for that particular employee.
- e) An employee who is undergoing follow-up testing shall remain in the random pool and be tested if his/her number is selected.

7. Blind Performance Testing

- a) As an employer with fewer than 2,000 DOT-covered employees, the City is not required to provide blind specimens for performance testing.

8. Notice to Employees:

- a) The City shall notify an employee of the results of any tests for controlled substances if the test results are verified as positive. The City shall also inform the employee which controlled substance or substances were verified as positive.

CITY OF CHARLOTTESVILLE  
**POST-ACCIDENT DRUG AND ALCOHOL TEST RECORD OF DECISION**

**Manager/Supervisor:** This form is to be used to document action taken following an accident involving a city-owned vehicle that may meet DOT post-accident drug/alcohol testing requirements. DOT policy requires the testing of the vehicle operator and other employees whose performance could have contributed to the accident. Additional guidance concerning DOT testing thresholds is found on the reverse side.

Employee Name \_\_\_\_\_ Employee Number \_\_\_\_\_ Job Title \_\_\_\_\_  
 Day \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_  
 Vehicle Number \_\_\_\_\_ Route \_\_\_\_\_ Run \_\_\_\_\_

**TEST DETERMINATION**

Use this table to indicate the results of the accident and the type of test that is required. Check **one** that specifies the results of the accident. Do not check more than one type of accident.

<b>VEHICLE ACCIDENT RESULTS</b>	<b>TYPE OF TEST: DOT (FTA/FMCSA) CITY (non-DOT)</b>
Revenue vehicle with fatality	<b>FTA</b>
Revenue vehicle with injury requiring medical treatment away from the scene	<b>FTA</b>
Revenue vehicle with any vehicle towed <b>OR</b> disabling damage**	<b>FTA</b>
Non-revenue vehicle operated by SSP* with fatality	<b>FTA</b>
Non-revenue vehicle operated by SSP* holder requiring medical treatment away from the scene	<b>FTA</b>
Non-revenue vehicle operated by SSP* with any vehicle towed <b>OR</b> disabling damage**	<b>FTA</b>
Fatality	<b>FMCSA</b>
Citation issued to SSP* with injury requiring medical treatment away from the scene	<b>FMCSA</b>
Citation issued to SSP* with one or more vehicles incurring disabling damage**	<b>FMCSA</b>
Post-accident requirements <b>NOT</b> met. Refer to CTS division policy for non-DOT testing determination.	

**FINAL DETERMINATION (circle one)**

DOT--FTA/FMCSA  
 CITY—NON-DOT  
 NONE REQUIRED

**STATUS OF THIS EMPLOYEE (circle one)**

Operating the Vehicle                      Other covered Employee

**ACCIDENT INFORMATION**

Are any other employees to be tested as a result of this accident (circle one)?

Yes    No                      Unknown, investigation indicates possible involvement by others

How was this employee involved in the accident?

---



---



---

Time of Accident: \_\_\_\_\_ Time of Test (Alcohol): \_\_\_\_\_

Time of Test (Drug): \_\_\_\_\_ Elapsed Time (between accident and testing): \_\_\_\_\_

Alcohol Test given within **2** hours? (attempt to test must cease after **8** hours) Yes  No   
 If no, state reason below:

---



---

Drug Test given within **32** hours? (attempt to test must cease after **32** hours) Yes  No   
 If no, state reason below:

---



---

Supervisor's Signature: \_\_\_\_\_

Supervisor's Name (Print): \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

NOTE: this document must be retained on file as a record of decision

FTA Post-Accident Testing Guidelines

Type of Accident	Test is Mandatory
Human Fatality	YES
Bodily injury with immediate medical treatment away from scene	YES
Disabling damage** to any motor vehicle	YES

FMCSA Post-Accident Testing Guidelines

Type of Accident	Citation issued to CMV operator?	Test is Mandatory
Human Fatality	YES	YES
Human Fatality	NO	YES
Bodily injury with immediate medical treatment away from scene	YES	YES
Bodily injury with immediate medical treatment away from scene	NO	NO ***
Disabling damage** to any motor vehicle	YES	YES
Disabling damage** to any motor vehicle	NO	NO ***

\* SSP—Safety Sensitive Personnel

\*\* Disabling Damage--damage that precludes the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare is available, or damage to headlights, taillights, turn signal, horn, mirrors, or windshield wipers that makes them inoperative.

\*\*\* In the case of school bus accidents, if bodily injury requiring treatment away from scene occurs or disabling damage occurs, but no citation is issued, DOT test is not mandatory. HOWEVER - non-DOT post-accident test is required based on CTS policy.

CITY OF CHARLOTTESVILLE  
**REASONABLE SUSPICION SHORT-TERM INDICATORS**

**Manager/Supervisor:** This form is to be used to substantiate and document the objective facts and circumstances leading to a reasonable suspicion determination. After careful observation of the employee's behavior, please check **all** of the short-term indicators that denote a possible link to the employee's use of prohibited alcohol or drugs.

Employee Name \_\_\_\_\_ Employee Number \_\_\_\_\_ Job Title \_\_\_\_\_

Day \_\_\_\_\_ Date \_\_\_\_\_ Time Observed (from/to) \_\_\_\_\_

Location of employee when reasonable suspicion evaluation was made (be specific)

---

Evaluating Supervisor \_\_\_\_\_

Other Supervisors present  
\_\_\_\_\_

**I. OBSERVATIONS OF THE EMPLOYEE'S PHYSICAL CONDITION**

Check below any/all applicable behaviors and describe:

- |  |       |
|--|-------|
| _____ Slurred Speech   | _____ |
| _____ Confusion/Disorientation   | _____ |
| _____ Odor of Alcohol on Breath/Person                                 | _____ |
| _____ Odor of Marijuana on<br>Breath/Person                            | _____ |
| _____ Unsteady Gait or Lack of Balance                                 | _____ |
| _____ Glassy Eyes  | _____ |
| _____ Rapid/Continuous Eye Movement<br>or Inability to Focus           | _____ |
| _____ Drowsiness   | _____ |
| _____ Inattentiveness  | _____ |
| _____ Apparent Intoxicated behavior<br>(without the odor of alcohol)   | _____ |
| _____ Apparent Intoxicated behavior<br>(without the odor of marijuana) | _____ |
| _____ Physical Injury (Indicate Location)                              | _____ |
| _____ Tremors or bodily shaking  | _____ |
| _____ Poor Concentration   | _____ |



Runny nose or sores around nostrils \_\_\_\_\_  
Very large or very small eye pupils \_\_\_\_\_  
Slow or inappropriate reactions \_\_\_\_\_

**II. OBSERVATIONS OF EMPLOYEE'S BEHAVIOR**

Inability to respond to questions or to respond correctly \_\_\_\_\_  
Complaints of racing or irregular heart beat \_\_\_\_\_  
Marked Irritability \_\_\_\_\_  
Aggressiveness (attempts at physical contact) \_\_\_\_\_  
Inappropriate laughter, crying, etc. \_\_\_\_\_  
Sleeping on the job \_\_\_\_\_  
Fainting or Repeated loss of Consciousness \_\_\_\_\_  
Inappropriate job performance and/or violation of operational rules \_\_\_\_\_

**III. DETERMINATION OF REASONABLE SUSPICION**

Based on the above documented information, I have determined that there **IS** or **IS NOT** (supervisor circle only one) reasonable suspicion for sending - \_\_\_\_\_ for a DOT drug and alcohol screening test.

The drug and alcohol screening tests have been ordered by:

\_\_\_\_\_

To be conducted at:

UVA WorkMed – 545 Ray C Hunt Drive, Suite 3200, Third Floor, Medical Office Building

After-hours: UVA WorkMed On-Call Test Technician – 924-0000 Pager #9016

Signature of supervisor/official conducting the evaluation:

\_\_\_\_\_

Printed Name of Supervisor conducting the Evaluation:

\_\_\_\_\_

Date: \_\_\_\_\_ (month, day, year)

#### **IV. TESTING PROCEDURES**

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. Drug tests can be performed any time an employee is on duty. An alcohol test can be performed when the employee is actually performing a safety-sensitive duty, just before, or just after the performance of a safety-sensitive duty.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted with the procedures put forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the testing procedure, and the validity of the test result.

**Drug Tests:** The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. The test results from the laboratory will be reported to a Medical Review Officer (MRO). The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will contact the employee, notify the employee of the positive laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer.

**In instances where the employee produces a dilute specimen, he or she must undergo a second test.**

**An applicant who is offered a position covered by this policy will be required to report to the drug testing collection site within 24 hours of notification, or at a specific predesignated date and time, and provide a specimen of his/her urine.**

**Upon notification that a drug test is required, an employee will report immediately after notification to the drug collection site and provide a specimen of his/her urine. The employee is required to report to the collection site within 30 minutes of receiving notification. Failure to report within the specified time frame is considered a refusal to test.**

**The City may choose to test for other substances under its own substance abuse policy; however, it may not do so under DOT pretenses or using the same specimen that is being collected for DOT requirements.**

**Alcohol Tests:** Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using a NHTSA-approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours (FTA) or 24 hours (FMCSA) unless a retest results in a concentration measure of less than 0.02.

## V. REFUSALS TO TEST AND UNCOMPLETED TESTS

### A. Controlled Substances

1. Compliance with this drug/alcohol testing plan is a condition of employment. Refusal to take a required drug/alcohol test or failure of a drug/alcohol test shall result in removal from performing covered functions. **Refusing to test may lead to disciplinary action up to and including termination from the City.**

Refusal includes the following and applies to both drug and alcohol testing:

- An inability to provide a specimen or breath sample without a valid medical reason (confirmed by a physician);
- Tampering, adulterating, or substituting specimen;
- Delaying arrival at a designated collection site;
- Leaving the collection site prior to test completion;
- Failure to permit an observed or monitored collection when required;
- Failure to undergo a medical evaluation when required;
- Failure to cooperate with any part of the testing process;
- Once test is underway, failing to remain at site and provide a specimen;
- Failure to sign Step 2 of alcohol test form; and
- Leaving the scene of an accident without just cause prior to submitting to a test. (An employee may leave the scene of an accident in order to obtain medical assistance for those injured in the accident. Failure to return to the scene will be regarded as a refusal to test.)

2. Prohibitions on use: The City shall not use an employee in a function covered by Part 199, 382, or 655 who:
  - a) Fails a drug test as verified by the MRO, or
  - b) Refuses to take a drug test required by this Program.
3. Shy Bladder
  - a) Shy Bladder: If an employee is unable to provide at least 45 milliliters of urine collection site personnel shall direct the individual to drink not more than 40 ounces of fluids and, after a period up to three (3) hours time, attempt to provide a complete sample. If employee is still not able to give an adequate sample the MRO shall refer the individual for a medical evaluation to determine if individuals inability to provide a sample is a genuine medical condition or constitutes a refusal to test. An employee's refusal to be examined by a physician shall be regarded as a refusal to test.
4. Options for Return-To-Duty. An employee may be given an opportunity to retain his or her employment, provided they first:
  - a) Have been evaluated by the SAP and successfully completes the SAP's recommended program.
  - b) Have been recommended by the SAP for return to duty,
  - c) Pass a DOT drug test or alcohol test, and have
  - d) Not failed a drug test required by Part 199, 382, or 655 after returning to duty.

B. Alcohol:

1. Compliance with this drug/alcohol testing plan is a condition of employment. Refusal (see Section V. A. 1) to take a required alcohol test or failure of an alcohol test shall result in removal from performing covered functions. **Refusing to test, failing a test, attempting to adulterate a sample, not reporting to the collection site in the time allotted, or leaving the scene of an accident before the tests have been conducted will result in removal from a covered function and may lead to disciplinary action up to and including termination from the City.** An employee may leave the scene of an accident in order to obtain medical assistance for those injured in the accident. Failure to return to the scene will be regarded as a refusal to test.
2. Prohibitions on use: The City shall not use an employee in a function covered by Part 199, 382, or 655 who:
  - a) Has a breath alcohol concentration of 0.04 or greater.
  - b) Has used alcohol within four hours prior to performing a covered function, or, if an employee is called to respond to an emergency, within the time period after the employee has been notified to report to duty. **Employees on "stand by" for emergency call out as per Public Works policy are considered "ready to perform safety-sensitive functions"; therefore, failure to be available for an emergency due to alcohol misuse while on scheduled call will result in disciplinary action up to and including termination.**
  - c) Is using alcohol on the job.
  - d) Uses alcohol eight hours following an accident if employee's involvement cannot be discounted as a contributing factor to the accident, unless they have been tested.
  - e) Refuses to be tested.
    - (1) Insufficient Breath on alcohol screens: Three attempts and failures to

provide a breath sample on a screening shall be considered a refusal. The BAT may use their discretion if an employee is just having difficulty understanding directions on how to provide the breath sample. Two attempts and failures on a confirmation sample is a refusal to test.

- f) Employees having a BAC of 0.02 or greater but less than 0.04 will be removed from a covered function for at least 24 hours under FMCSA rules and 8 hours for FTA and RSPA rules. Employees with a BAC of 0.04 or greater will be removed from a covered function and referred to the SAP for evaluation.

**3. The City reserves the right to discipline employees who test greater than 0.02 up to and including termination.**

## **VI. MEDICAL REVIEW OFFICER (MRO)**

- A. The MRO must be a licensed physician or doctor of osteopathy who is responsible for receiving laboratory results generated by the Commercial Motor Vehicle and the Transit Division drug testing program, and who has knowledge of substance abuse disorders and has approved medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- B. The MRO will perform responsibilities, perform notifications, and retain confidential records as required by 49 CFR Part 40 as amended.

## **VII. TESTING LABORATORY**

The City shall use a drug testing laboratory certified under DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988 and subsequent amendments.

The testing laboratory will comply with all methods and procedures of 49 CFR Parts 40, 199, 382, and 655, as amended. The laboratory shall have a qualified individual to assume professional, organizational, educational, and administrative responsibility for the laboratory's urine drug testing facility.

## **VIII. EMPLOYEE AND SUPERVISOR TRAINING**

- A. Every employee covered by this policy will receive the following drug use/alcohol misuse education:
1. Drug/alcohol information will be periodically distributed and displayed in the work areas.
  2. Copies of this policy will be displayed in the work area. This information will be discussed at the time that it is handed out so that the employees understand its content. Every new employee receives a copy of the entire Program.
  3. The hot line telephone number for employee assistance is 1-800-932-0034, 24 hours per day, seven days a week.
- B. The following supervisory management positions shall receive EAP training for detecting symptoms of drug use/alcohol misuse:

Public Service Division Manager	Water/Wastewater Superintendent
General Maintenance Supervisor	Refuse Supervisor
Parks Manager	Gas Training Supervisor
School Bus Operators Supervisor	Assistant Public Service Chief
Equipment Maintenance Supervisor	Transit Manager
Parks Crew Supervisor	Parks Crew Leader

Traffic Shop Supervisor  
Assistant Transit Manager  
Transit Operations Supervisor  
Public Utilities Manager  
Gas Operations Supervisor  
Gas Service Supervisor  
General Maintenance Supervisor  
Gas Mechanic Supervisor

Traffic Signal Supervisor  
Transit Maintenance Supervisor  
Assistant Transit Operations Supervisor  
Assistant Gas Superintendent/Chief Gas Engineer  
Gas Regulatory Compliance Supervisor  
Director of Public Works  
Utility Billing & Collections Manager  
Public Utilities Program Coordinator

Supervisors will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

## IX. EVALUATION/REHABILITATION

The Substance Abuse Professional (SAP) must be a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

The SAP will perform responsibilities and retain confidential records as required by 49 CFR Part 40, as amended.

An employee who fails a drug test, alcohol test (0.04 or greater), or refuses to be tested will be referred to a substance abuse professional who shall determine what assistance the employee needs in resolving problems associated with alcohol misuse or drug use. Applicants not hired or employees who are to be terminated as a result of a violation of this policy shall also be referred to the SAP. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substances tests.

**Participation in rehabilitation through the EAP will not result in disciplinary action. However, successful completion of the prescribed program, if it is determined that participation in such a program is needed, will be required for the employee to continue in the employment of the City of Charlottesville. The employee shall be placed on sick leave, vacation leave, or leave without pay if sick or vacation leave is not available, in order to enter into an approved rehabilitation program.**

**Participation in rehabilitation through the EAP will not waive disciplinary action where warranted for violations of rules and regulations.**

Reinstatement will be conditioned upon consent for substance/alcohol retesting as scheduled by the SAP for a time period not to exceed 60 months. **Positive results on a follow-up test or other evidence of relapse within two years will be grounds for**



**immediate dismissal.**

**The SAP's determination that an employee is medically qualified to be returned to duty does not waive the City's authority to impose disciplinary action.**

**Employees who have been determined to need treatment to resolve an alcohol misuse or drug use problem shall be referred to the City's Employee Assistance Program. This referral does not waive the City's authority to impose disciplinary actions, that may include termination, upon the employee.**

## Example of a Consent Letter to the Employee Assistance Program

Date

IQ Health

Charlottesville, VA 22902

To Whom It May Concern:

I, \_\_\_\_\_, hereby grant IQ Health permission to release the following information to the City's DOT Drug and Alcohol Program Manager:

1. Information on whether I have attended the evaluation meeting that was scheduled for me as the result of a positive DOT controlled substance or alcohol test;
2. The recommended treatment, if any, as a result of the evaluation meeting;
3. If applicable; information relating to a post rehabilitation evaluation (was the prescribed rehabilitation program followed, is the person named above medically qualified to return to work);
4. A recommended schedule of follow-up testing, and:
5. The date at which I am medically qualified to return to safety-sensitive duties.

Written results of the evaluation may be sent to Mary Kay Kotelec, DOT Program Manager/Public Utilities Program Coordinator, 305 4th St. NW, Charlottesville, Virginia, 22903 (please mark the outside of the envelope "Confidential").

Sincerely,

Employee's signature

**The supervisor shall forward a copy of the consent letter and referral letter to the employee (that requires his/her attendance in a meeting with the SAP) to the Drug and Alcohol Program Manager**

## **X. Recordkeeping**

A. The City of Charlottesville will keep the following records for the periods specified. These records will be maintained in the Office and under the supervision of the Program Manager.

1. Five years. The following records shall be maintained for a minimum of five years:
  - a) Records of employee alcohol test results that indicate an alcohol concentration of 0.02 or greater,
  - b) Records of employee verified positive controlled substances test results,
  - c) Documentation of refusals to take required alcohol and/or controlled substances tests.
  - d) Calibration documentation,
  - e) Employee evaluation and referrals shall be maintained for a minimum of five years, and
  - f) A copy of each annual calendar year MIS summary.
2. Two years. Records related to the alcohol and controlled substances collection process (except calibration of EBT devices) and training shall be maintained for a minimum of two years.
3. One year. Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

B. Types of Records. The following specific records shall be maintained:

1. Records related to the collection process:
  - a) Collection log books if used.
  - b) Calibration documentation for evidential breath testing devices.
  - c) Documentation of breath alcohol technician training.
  - d) Documents generated in connection with decisions to administer reasonable suspicion alcohol tests.
  - e) Documents generated in connection with decisions on post-accident tests.
  - f) Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing.
  - g) Consolidated annual calendar year (MIS) summaries.
2. Records related to test results:
  - a) The employer's copy of the alcohol test form, including the results of the test.
  - b) The employer's copy of the chain of custody and control form.
  - c) Documents sent by the MRO to the employer, including those required by § 382.407(a).
  - d) Documents related to the refusal of any covered employee to submit to a required alcohol test.
  - e) Documents presented by a covered employee to dispute the result of an alcohol or controlled substances test.
  - f) Documentation of SAP referrals for all positive tests.
3. Records related to other violations of Part 199.

4. Records related to evaluations:
  - a) Records pertaining to a determination by a substance abuse professional concerning a covered employee's need for assistance.
  - b) Records concerning a covered employee's compliance with the recommendations of the substance abuse professional.
5. Record(s) related to the employer's MIS annual testing data.
6. Records related to education and training:
  - a) Materials on alcohol misuse awareness, including a copy of the operator's policy on alcohol misuse.
  - b) Documentation of compliance with the requirements of § 382.601 Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances, including the driver's signed receipt of education materials.
  - c) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion.
  - d) Certification that any training conducted complies with DOT's requirements for such training.
7. Records related to drug testing:
  - a) Agreements with collection site facilities, laboratories, medical review officers, and consortia;
  - b) Names and positions of officials and their role in the employer's alcohol and controlled substances testing programs;
  - c) Quarterly laboratory statistical summaries of urinalysis required by § 40.111;
  - d) The employer's drug testing policy and procedures.

C. Location of Records. All records required shall be made available for inspection at the City within two business days after a request has been made by an authorized representative of the Research and Special Programs Administration, Federal Highway Administration or the Federal Transit Administration.

D. Access to Facilities and Records

1. Except as required by law or expressly authorized or required by DOT, the City shall not release covered employee information that is contained in the records required to be maintained in § 382.401.
2. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of drugs or misuse of alcohol, including any records pertaining to his or her drug or alcohol tests. The City shall promptly provide the records requested by the employee. Access to employee's records shall not be contingent upon payment for records other than those specifically requested.
3. The City is required to obtain pursuant to an employee's consent, information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested within the preceding two years, which are maintained by the driver's previous DOT covered employers.
  - a) This information shall be maintained and reviewed by the City no later than

14 calendar days after the first time a driver performs safety-sensitive functions for an employer, if it is not feasible to obtain the information prior to the driver performing safety-sensitive functions.

- b) If the driver stops performing safety-sensitive functions for the employer before expiration of the 14 day period or before the employer has obtained the required information, the City must still obtain the information.
- c) The City must provide to each of the driver's DOT-covered employers within the two preceding years the driver's specific, written authorization for release of the information.
- d) The release of any information may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. The City shall maintain a written, confidential record with respect to each past employer contacted.
- e) The City may not use a driver to perform safety-sensitive functions if the employer obtains information on the driver's alcohol test with a BAC of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested, by the driver, without obtaining information on a subsequent substance abuse professional evaluation and/or determination under § 40.25.

## **XI. REPORTING OF ANTI-DRUG/ALCOHOL TESTING RESULTS**

A. The City shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs. By March 15 of each year, the City shall complete the annual summary covering the previous calendar year.

B. If the City is notified, during the month of January, of a request by the FMCSA and/or FTA to report the employer's annual calendar year summary information, the City shall prepare and submit the report to FMCSA and/or FTA by March 15 of that year. The report shall be in the form and manner prescribed by FMCSA and/or FTA in its request. When the report is submitted to FMCSA and/or FTA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The City is required by RSPA to complete and send to RSPA the City's annual calendar year summary information in the form and manner prescribed by RSPA. The report shall be completed and sent to RSPA by the 15th of March and will contain the summary information for the prior calendar year.

C. Each annual calendar year summary containing information on controlled substances and alcohol screening test results shall include the following informational elements:

1. Number of covered employees subject to parts 199, 382, & 655;
2. Number of covered employees subject to testing under the anti-drug rules or alcohol misuse rules of more than one DOT agency, identified by each agency;
3. Number of urine specimens collected by type of test;
4. Number of positive test results, verified by a MRO, by type of test and type of drug;
5. Number of negative controlled substance tests verified by a MRO by type of test;

6. Number of persons denied a position as a employee following a pre-employment verified positive controlled substances test and/or a pre-employment alcohol test that indicates an alcohol concentration of 0.04 or greater;
7. Number of employees with tests verified positive by a medical review officer for multiple controlled substances;
8. Number of employees who refused to submit to an alcohol or drug test required by this program;
9. (a) Number of screening alcohol tests by type of test; and (b) Number of confirmation alcohol tests, by type of test;
10. Number of confirmation alcohol tests indicating an alcohol concentration of 0.02 or greater but less than 0.04 by type of test;
11. Number of confirmation alcohol tests indicating an alcohol concentration of 0.04 or greater, by type of test;
12. Number of employees who were returned to duty (having complied with the recommendations of a MRO/SAP), in the reporting period, who previously: (a) had a verified positive controlled substance test result, or (b) Engaged in prohibited alcohol misuse under the provisions of this program;
13. Number of employees who were administered alcohol and drug tests at the same time, with both a verified positive drug test result and an alcohol test result indicating an alcohol concentration of 0.04 or greater; and
14. Number of employees who were found to have violated any non-testing prohibitions and any action taken in response to the violation.

## **XII. CONTRACTORS HIRED BY PUBLIC WORKS**

- A. Contractors hired by Public Works that fall under Sections 49 CFR Part 199 or 655 shall be required to submit a copy of their Anti-Drug/Alcohol Misuse Program and may

also be required to submit quarterly reports that state: number of employees tested, type of test, number of positive drug tests and resulting action for those that tested positive, number of alcohol tests that indicated a BAC of 0.04 or greater and resulting action, number of alcohol tests that indicated a BAC of 0.02 or greater, but less than 0.039 and resulting action, for that period. The contractor shall make clear the job titles of employees who will perform any work or functions covered by Part 199 or 655 under said contract. Names may also be included if clarification is necessary. Failure to submit an Anti-Drug/Alcohol Misuse Program that complies with DOT Part 199 or 655 and Part 40 may result in the rejection of offerer's bid. Failure to submit quarterly reports or annual MIS reports may result in a default of contract as stated in the project's specifications and contract documents. Although not required by FMCSA, *the City may require contractors to show evidence of compliance with Part 382.*

B. The contractor shall allow access to property and records by a City representative, RSPA, FMCSA, FTA or any DOT agency with regulatory authority over the operator for the purpose of monitoring the operator's compliance with the requirements of Parts 199, 382, 655, and 40, as amended.

### **XIII. CONFIDENTIALITY**

A. Each individual's record of testing and results under this policy will be maintained private and confidential. Except as provided by law or expressly authorized by DOT regulations, the results of individual drug/alcohol tests will not be released to anyone without the specific, written consent of a safety-sensitive employee authorizing release of the information to an identified person. Prior to testing, the individual will be informed about who will receive test data (e.g., testing laboratory, MRO, Program Manager, Supervisor if removal from a safety-sensitive function is necessary).

B. All written records will be stored in locked containers or in a secure location with access available only by the Program Manager and DOT upon request.

C. Drug and alcohol testing and/or rehabilitation records shall only be released to subsequent DOT covered employers upon written consent from the covered employee. Then only the specific information requested by the employee shall be released.

**CITY OF CHARLOTTESVILLE**  
**EMPLOYEE NOTIFICATION LETTER**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Social Security #: \_\_\_\_\_ Job Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

In accordance with the City's Department of Transportation's Anti-Drug/Alcohol Misuse Program, please be advised that you have been placed in the pool of employees subject to the drug/alcohol testing procedures as mandated by the Federal Department of Transportation.

Attached is a copy of the Anti-Drug /Alcohol Misuse Program, version dated \_\_\_\_\_. Your signature below certifies that you have received the Program. Please sign and return this form to the DOT Program Manager/Public Utilities Program Coordinator. Contact the Program Manager at 434-970-3814 if you have any questions.

Mary Kay Kotelec  
Public Utilities Program Coordinator

\_\_\_\_\_  
Signature of Employee



## **Glossary of Acronyms**

BAC - Breath alcohol concentration  
BAT - Breath Alcohol Technician  
CFR - Code of Federal Regulations  
COC - Chain of Custody form  
CMV- Commercial Motor Vehicle  
CPL - Conforming products list  
DHHS - Department of Health and Human Services  
DOT - Department of Transportation  
EAP - Employee Assistance Program  
EBT- Evidential breath testing (device)  
FMCSA- Federal Motor Carrier Safety Administration  
FTA - Federal Transit Administration  
GC/MS - Gas chromatography/mass spectrometry  
MIS - Management Information System  
MRO - Medical Review Officer  
NHTSA- National Highway Traffic Safety Association  
NTSB - National Transportation Safety Board  
PCP - Phencyclidine  
QAP - Quality assurance plans (for EBT's)  
RSPA- Research and Special Programs Administration  
SAP - Substance Abuse Professional

#### **XIV. TERMS AND DEFINITIONS**

*Accident* - The definition of an accident can be found under Post-Accident Testing.

*Air Blank* - A reading by an EBT of ambient air containing no alcohol.

*Alcohol* - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

*Alcohol Concentration*- 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 testing device.

*Alcohol use* - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

*Blind Sample or Blind Performance Test* - A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

*Breath Alcohol Technician* - An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

*Canceled or Invalid Test*- In drug testing, a drug test that has been declared invalid by a Medical Review Officer . A canceled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. In alcohol testing, a test that is deemed to be invalid under § 40 Subpart N – Problems in Alcohol Testing.

*Certification* - A recipient's (of federal funds) written statement, authorized by the organization's governing board or other authorizing official, that the recipient has complied with the provisions of this part. (FTA)

*Chain of Custody* - Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health & Human Services (DHHS) certified laboratory be used from time of collection to receipt by the laboratory.

*Collection Site* - A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

*Collection Site Person* - A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

*Commercial Motor Vehicle (CMV)*- means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle 1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or 2) Has a gross vehicle weight rating of 26,001 pounds; 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 and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

*Confirmation Test*- For alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

*Contractor* - A person or organization that provides a service for a recipient, subrecipient, employer, or operator consistent with a specific understanding or arrangement.

*Covered Position (Safety-sensitive position)* - A duty position or job category that requires the performance of safety-sensitive (covered) function(s) as described below.

*Covered Function (safety-sensitive function)* means 1) FMCSA: operation of a commercial motor vehicle. 2) FTA: (a) Operating a revenue service vehicle, including when not in service; (b) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (c) Controlling dispatch or movement of a revenue service vehicle; (d) Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives sections 18 funding and contracts out such services; (e) Carrying a firearm for security purposes; (f) A volunteer who operates a vehicle designed to transport sixteen or more passengers, including the driver. 3) RSPA: performing maintenance, operations, or emergency response on the pipeline.

*Dilute Specimen* – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

*DOT Agency* - An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing. The Federal Motor Carrier Safety Administration and Federal Transit Administration are DOT agencies.

*Drug Metabolite* - The specific substance produced when the human body metabolizes a given drug as it passes through the body and is excreted in the urine.

*Drug Test* - The laboratory analysis of urine specimen collected in accordance with 49 CFR Part 40 and analyzed in a DHHS-approved laboratory.

*Education* - Efforts that include the display and distribution of informational materials, a community service hot-line telephone number for employee assistance, and the City's policy(ies) regarding drug use in the workplace.

*Employee Assistance Program (EAP)* - A program provided to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through an EAP.

*Employer or operator* - 1) FMCSA: means any person who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. 2) FTA: A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes subrecipients, operators, and contractors. 3) RSPA: the owner or operator of a pipeline or LNG facility subject to part 192, 193 or 195 of 49 CFR.

*Evidential breath testing device (EBT)* - An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA's conforming products list of evidential breath measurement devices (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, office of Alcohol and State Programs.

*Federal Motor Carrier Safety Administration (FMCSA)* - The DOT operating authority that regulates commercial motor vehicles.

*Large Operator* - 1) FMCSA & RSPA: an employer who has more than 50 covered employees. 2) FTA: A recipient or subrecipient primarily operating in an area of 200,000 or more in population.

*Medical Review Officer (MRO)* - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

*Performing a covered function*: An employee is considered to be performing a covered functions during any period in which he or she is actually performing, ready to perform, or immediately available to perform such covered functions.

*Permanent Employee* - An employee hired for a period of more than 120 days (FTA).

*Post-Accident Test* - A drug test administered to an employee when an accident has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.

*Pre-Employment Test* - A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.

*Prohibited Drug* - Marijuana (including all hemp products), cocaine, opiates, phencyclidine (PCP), and amphetamines.

*Random Test* - A drug test of safety-sensitive employees who are selected on a scientifically defensible random and unannounced basis. The number of tests performed is based on a percentage of safety-sensitive employees as directed by DOT.

*Reason to Believe* - Objective information indicating that a particular individual may alter or substitute a urine specimen.

*Recipient* - FTA: An entity receiving Federal financial assistance under Section 3, 9, or 18, of the FT Act, or under Section 103(e)(4) of Title 23 of the United States Code.

*Refuse to submit or test*- means that a covered employee (1) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

*Return to Duty Test* - An initial drug or alcohol test prior to return to duty and additional unannounced drug tests (Follow-up Tests) given to employees performing in safety-sensitive functions who previously tested positive, or refused, a drug/or alcohol test and are returning to safety-sensitive positions.

*Revenue Service Vehicle* - A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.

*RSPA* - Research and Special Programs Administration. DOT operating authority that oversees the natural gas pipeline.

*Screening test* (initial test). In alcohol testing, it means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his/her system. In controlled substances testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

*Small Operator* - 1) MCSA & RSPA: an employer who has less than 50 covered employees. 2) FTA: A recipient or subrecipient primarily operating in an area of less than 200,000 in population

*Specimen Bottle* - The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.

*Split Specimen* - An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive.

*Substance Abuse Professional (SAP)* - The Substance Abuse Professional for this program must be a 1) licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or 2) an addiction counselor certified by the National Association of alcoholism and Drug Abuse Counselors Certification

Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

*Training* - Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; and about manifestations and behavioral clues that may indicate drug use and abuse.

*Verified Positive* (drug test result) - A drug test result reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

*Volunteer* - A permanent, temporary, or part-time worker who is not compensated for his/her service. Volunteers are included in the requirements of FTA drug and alcohol regulations if a CDL is required to operate the vehicle.

## **XV. EMPLOYEE INFORMATION ON THE EFFECTS OF ALCOHOL MISUSE/CONTROLLED SUBSTANCE USE**

A. Effects of alcohol and controlled substances on a person's health, work, and personal life include: Disruption of sleep; changes in eating patterns, commonly not eating as much and therefore, weight loss; mood swings; depression; increased physical ailments (i.e., headaches, colds, stomach problems); decreased motivation; withdrawal from family and friends; quicker to anger; neglects obligations and is not as attentive; does not handle stress; changes friends; excuses use of alcohol.

B. Signs and symptoms of controlled substance use or alcohol misuse which could effect work performance include: Reporting to work late; calling in sick often; unauthorized absences; smell of alcohol on a person; taking long or frequent breaks; change in personality - more angry or less friendly; decreased motivation: an "I don't care" attitude; thinking and concentration not as sharp; more prone to accidents; forgetfulness; less attentive to appearance; appearing tired; sleeping on the job.

For additional information, see attached fact sheets.

## **Alcohol Fact Sheet**

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for employment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### **Signs and Symptoms of Use**

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

### **Health Effects**

The chronic consumption of alcohol (average of three servings per day of beer 112 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

### **Social Issues**

- Two-thirds of all homicides are committed by people who drink prior to the crime.



- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

### **The Annual Toll**

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

### **Workplace Issues**

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

## Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

### Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "minibennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

### Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

### Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

### Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

## Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. - The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

### Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride—"snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within **minutes and lasts 40 to 50 minutes** per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.
- Cocaine Base—a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

### Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent nonbusiness visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness.

## **Health Effects**

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986—up from 11th place in 1980.

## **Workplace Issues**

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

## **Cannabinoids (Marijuana) Fact Sheet**

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

### **Description**

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

### **Signs and Symptoms of Use**

Reddened eyes (often masked by eyedrops)  
Slowed speech  
Distinctive odor on clothing  
Lackadaisical "I don't care" attitude  
Chronic fatigue and lack of motivation  
Irritating cough, chronic sore throat.

### **Health Effects**

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

### **Pregnancy Problems and Birth Defects**

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.

- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

### **Mental Function**

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

### **Acute Effects**

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic Paranoid reaction
- Unpleasant distortions in body image.

### **Workplace Issues**

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

## **Opiates (Narcotics) Fact Sheet**

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

### **Description**

- Natural and natural derivatives—opium, morphine, codeine, and heroin
- Synthetics—meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

### **Signs and Symptoms of Use**

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration.

### **Health Effects**

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

### **Social Issues**

- There are over 500,000 heroin addicts in the U.S., most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

### **Workplace Issues**

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

## **Phencyclidine (PCP) Fact Sheet**

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

### **Description**

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets."
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust, and Hog.

### **Signs and Symptoms of Use**

Impaired coordination  
Severe confusion and agitation  
Extreme mood shifts  
Muscle rigidity  
Nystagmus (jerky eye movements)  
Dilated pupils  
Profuse sweating  
Rapid heartbeat  
Dizziness.

### **Health Effects**

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.

There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

### **Workplace Issues**

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.



## Table of Contents

Introduction	1
Policy Statement	1
<hr/>	
Program Manager	2
Prohibited Behavior	2
<hr/>	
Testing Requirements	3
Employee Categories	3
<hr/>	
Types of Drug Testing	4
Pre-Employment	4
<hr/>	
Random	4
<hr/>	
Post-Accident	5
<hr/>	
Reasonable Cause	9
<hr/>	
Return to Duty	10
<hr/>	
Follow-up	10
<hr/>	
Blind Performance	11
Post-Accident Test Record	12
<hr/>	
Reasonable Suspicion Form	14
<hr/>	
Testing Procedures	16
<hr/>	
Refusals to Test and Uncompleted Tests	18
<hr/>	
Medical Review Officer	21
<hr/>	
Testing Laboratory	21
<hr/>	
Employee and Supervisor Training	21
<hr/>	
Evaluation/Rehabilitation	22
Sample Consent Letter to EAP	24
Recordkeeping	25

Annual Reports to DOT	27
Contractors Hired By Public Works	28
Confidentiality	29
Employee Notification Letter	30
Glossary of Acronyms	31
Terms and Definitions	32
Employee Information On The Effects of Alcohol Misuse and Drug Abuse	37

Small Transit System

Athens–Clarke Transit



**ATHENS-CLARKE COUNTY TRANSIT SYSTEM  
SUBSTANCE ABUSE POLICY**

**Revised August 2005**



# Operates ATHENS-CLARKE COUNTY TRANSIT SYSTEM SUBSTANCE ABUSE POLICY<sup>1</sup>

## 1.0 POLICY

The Athens-Clarke County Transit System (hereinafter referred as the “Athens Transit System”) is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. This company via its Board of Directors has adopted this policy as the official policy of the Athens Transit System. Athens Transit System employees are a most valuable resource and it is our goal to provide a healthy, satisfying work environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

## 2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risk posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that set standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49CFR Part 29, “The Drug-Free Workplace Act of 1988,” which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

A copy of these procedures may be obtained from the Assistant Personnel Director. Part 40 is also available on-line at <http://www.dot.gov/ost/dapc/index.html>.

## 3.0 APPLICABILITY

**This policy applies to all safety-sensitive and non-safety-sensitive transit system employees, paid part-time employees, contract employees, volunteers and contractors** when they are on transit property or **when performing any transit-related safety-sensitive or non-safety-sensitive business**. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Visitors, vendors, volunteers and contractor employees conducting safety-sensitive functions are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

**A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch, maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who operates a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License. A list of safety-sensitive positions is attached.**

#### **4.0 PROHIBITED SUBSTANCES**

"Prohibited substances" addressed by this policy include the following:

##### **4.1 Illegally Used Controlled Substances or Drugs**

*The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: **marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine**, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.*

##### **4.2 Legal Drugs**

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance, which carries a warning label that indicates that mental functioning, motor skills or judgement may be adversely affected, must be reported to a transit system supervisor. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

##### **4.3 Alcohol**

The use of beverages containing alcohol or substances including any medication mouthwash, food, candy or any other substance such that alcohol is present in the body while performing transit business is prohibited. **The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.**

#### **5.0 PROHIBITED CONDUCT**

##### **5.1 Manufacture, Trafficking, Possession and Use**

*Transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on transit authority premises, in transit vehicles, in uniform or while on transit authority business. Employees who violate this provision will be discharged. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.*

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.



## **5.2 Intoxication/Under the Influence**

Any safety-sensitive or non-safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be immediately suspended from job duties with pay pending an investigation and verification of condition. **The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.**

Employees found to be under the influence of a prohibited substance or **who fail to pass a drug or alcohol test shall be immediately removed from duty** and subject to termination. **A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance above the minimum thresholds defined in 49 CFR Part 40, as amended.**

## **5.3 Alcohol Use**

**No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.02 or greater. No safety-sensitive or non-safety sensitive employee shall use alcohol while on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive or non-safety-sensitive employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call.** Violation of these provisions is prohibited and punishable by termination.

## **5.4 Compliance with Testing Requirements**

**All safety sensitive or non-safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. Any safety-sensitive or non-safety-sensitive employee who refuses to comply with a request for testing shall be immediately removed from duty, referred to a SAP, and their employment terminated. Any safety-sensitive or non-safety-sensitive employee shall not use alcohol while on duty, in uniform, while performing safety-sensitive functions, or just before or immediately after performing a safety-sensitive function.** Violation of these provisions is prohibited and punishable by termination. **Any safety-sensitive or non-safety-sensitive employee who is suspected by the collector during the specimen collection process of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an immediate observed second collection.** Verification of these actions will result in the employee's immediate removal from duty and their employment terminated. **Refusal can include an inability to provide sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test, failure to permit the observation or monitoring of provision of sample when required, or failure to take a second test when directed. Any person who has been given a conditional job offer subject to pre-employment drug testing and leaves the testing site once testing has commenced, shall be deemed to have refused the test. Failure to undergo a medical examination or evaluation directed by the MRO shall constitute a refusal of a pre-employment test only if**

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

**the pre-employment test is conducted after a contingent offer of employment. Additionally, the following shall constitute a test refusal:**

- **Failure to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer, except a pre-employment test;**
- **Failure to remain at the testing site until the testing process is complete;**
- **Failure to provide a urine and/or breath specimen for any DOT required drug and/or alcohol test;**
- Failure to provide a urine and/or breath specimen for any non-DOT required drug and/or alcohol test;
- **Failure or declining to take a second test the employer or collector has directed you to take;**
- **Failure 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).**
- **If the MRO reports that there is verified adulterated or substituted test result,**
- **Failure to sign the certification at Step 2 of the Alcohol Test Form(ATF).**

**Drug tests can be performed any time a safety sensitive employee is on duty. An alcohol test can be performed when the safety sensitive employee is actually performing a safety sensitive duty, just before, or immediately after the performance of a safety sensitive duty.**

### **5.5 Treatment Requirements**

All employees are encouraged voluntarily to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with transit system requirements for treatment, after care, or return to duty shall be subject to termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. The provisions of this paragraph 5.5 apply to employees who voluntarily seek treatment prior to notification for a drug or alcohol test. Any employee with a positive test result will be subject to termination.

### **5.6 Notifying the Transit System of Criminal Drug Conviction**

*All employees are required to notify the transit system of any criminal drug statute conviction or arrest for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination.*

### **5.7 Proper Application of the Policy**

Revised 08/05

Page 4 of 16

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

The transit system is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

## **6.0 TESTING PROCEDURES**

**All safety-sensitive and non-safety-sensitive employees shall be subject to testing for pre-employment, for reasonable suspicion, and following a post accident as defined in Section 6.2, 6.3 and 6.4 of this policy.**

All safety sensitive and non safety sensitive employees who voluntarily submit to a rehabilitation program prior to testing positive on a drug or alcohol test will be tested prior to returning to duty following completion of the Substance Abuse Professional's recommended treatment program. Follow-up testing will also be conducted following return to duty for a period of one to five years with at least six tests performed during the first year.

**Those employees who perform safety-sensitive functions as defined in the attachment to this policy shall also be subject to testing on a random, unannounced basis.**

**Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities, which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.**

**The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed by a HHS-certified laboratory. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the transit system reserves the right to test for additional drugs under the transit system's own authority using standard laboratory testing protocols. This additional testing will not be conducted on any specimen collected using DOT/FTA testing authority.**

**Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed by the BAT. The confirmatory test will be performed using an NHTSA-approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). A safety-sensitive or non-safety-sensitive employee who has confirmed alcohol concentration of 0.02 or greater but less than 0.04 will be immediately removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of 0.02 or greater but less than 0.04 will be considered an unexcused miss out subject to transit system disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test in violation of this policy and a violation of the requirements set forth in 49 CFR Part 655 for safety-sensitive employees.**

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

**Any safety-sensitive or non-safety-sensitive employee that has a positive drug or alcohol test will be immediately removed from his/her position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment.** A positive drug and/or alcohol test will also result in termination. The cost of any treatment or rehabilitation services will be paid directly by the employee.

The transit system affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

**Consistent with 49 CFR part 40 collection under direct observation (by a person of the same gender) with no advance notice will occur if:**

- (1) **The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Designated Employer Representative (DER) that there was not an adequate medical explanation for the result; or**
- (2) **The MRO reports to the DER that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed.**
  - **As an employer, ACC may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-test.**
  - **The collector, must immediately conduct a collection under direct observation if:**

**The employee is directed by the DER to do so; or the employee's conduct clearly indicates an attempt to tamper with a specimen or**

- (3) **The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen or**
- (4) **The temperature on the original specimen was out of range**
- (5) **The original specimen appeared to have been tampered with.**

### **6.1 Employee Requested Testing**

**Any safety-sensitive or non-safety-sensitive employee who questions the results of a verified positive required drug test or refusal to test because of adulteration or substitution under paragraphs 6.2 – 6.8 of this policy may request that the split sample be tested. This test must be conducted on a split sample that was provided by the employee at the same time as the original sample.** Athens-Clarke County and Athens Transit System will seek to reimburse from the employee for all costs of such testing unless the result of the split sample test invalidates the result of the original test. **The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made**

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

## **6.2 Pre-Employment Testing**

**All safety-sensitive and non-safety-sensitive position applicants shall undergo urine drug testing immediately following the offer of employment or transfer into a safety-sensitive position. If any employee returns to a safety-sensitive position after having been removed from the transit system's random selection pool for 90 consecutive calendar days or more regardless of reason, he/she must be pre-employment drug tested. A verified negative result must be obtained by the transit system prior to safety-sensitive work.**

Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 6 months. **Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of the company and a negative pre-employment drug test will be required prior to further consideration for employment.** The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual.

**When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in Section 655.62.**

## **6.3 Reasonable Suspicion Testing**

**All safety-sensitive and non-safety-sensitive employees may be subject to a fitness for duty evaluation and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the bases of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:**

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse which includes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee.
2. Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, alcohol or other prohibited substance.
3. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security or other operation procedures.

**Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol misuse and conclude that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.**

## **6.4 Post-Accident Testing**

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

**All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with an Athens Transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes any surviving safety-sensitive employee that was operating the vehicle and any other employee whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or one or more vehicles incurs disabling damage.**

**In a non-fatal accident, the following safety sensitive employees will be tested: All covered employees operating the mass transit vehicle unless their performance can be completely discounted as a contributing factor based on the best information available at the time of the decision and all other covered employees whose performance could have contributed to the accident.**

**Following an accident, the safety-sensitive employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any safety sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the operations personnel, but also any other covered employee whose performance could have contributed to the accident.**

**Accident testing is stayed while employee assists in resolution of the accident or receives medical attention following the accident.**

**Athens Transit will attempt to complete the test within 2 hours of the accident; and if not able to obtain a specimen within 2 hours, file a report why not able and continue attempts to obtain specimen; and if not able to obtain a specimen in 8 hours, cease attempts to obtain a specimen and update the two-hour written report.**

Whenever any employee of Athens-Clarke County has been involved in an accident, or receives an injury, alcohol and drug testing shall be conducted within eight (8) hours of the accident or incident when:

- (a) There is vehicle/equipment damage or bodily injury occurring on public roadways; or
- (b) There is a fatality; or
- (c) Driver is cited with a traffic violation; or
- (d) There is reasonable suspicion to believe that the employee's behavior or appearance may indicate alcohol or drug use; or
- (e) When an employee sustains a work-related injury requiring medical treatment.

Testing for Athens-Clarke County employees will be completed on non-DOT forms.

### **6.5 Random Testing**

**Employees in safety-sensitive positions will be subject to random, unannounced drug and alcohol testing. The selection of safety-sensitive employees for random drug and**

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

alcohol testing will be made using a scientifically valid method that ensures that each covered employee will have equal chance of being selected. The random test will be unannounced and conducted at all times of the day when safety-sensitive functions are performed. Once an employee is notified of selection of a random drug or random alcohol test, he/she should proceed to the testing site immediately.

### **6.6 Return-to-Duty Testing**

All safety-sensitive and non-safety-sensitive employees who previously voluntarily entered into a Rehabilitation Program as set forth in Paragraph 5.5 must test negative on a drug or alcohol test (below 0.02 for alcohol) on a return-to-duty test and be evaluated and released to duty by the Substance Abuse Professional before returning to work. Testing in this section is conducted by Athens-Clarke County Transit authority using non-DOT testing forms.

### **6.7 Follow-Up Testing**

Safety-sensitive and non-safety-sensitive employees who previously voluntarily entered into a prescribed rehabilitation program will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up-testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. Testing in this section is conducted by Athens-Clarke County Transit authority using non-DOT testing forms.

### **6.8 Dilute Negative Policy**

**A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. If a specimen test result is dilute negative Athens Transit will not perform a retest, unless directed by the MRO. If the employee declines to take the retest, it is considered a test refusal.**

### **6.9 Information Disclosure**

- 1. The Athens Transit System shall release information regarding a covered employee's record as directed by specific, written consent from the employee authorizing release of the information to an identified person.**
- 2. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of prohibited substances, including any records pertaining to test results.**
- 3. The Athens Transit System may disclose information that is required to be maintained to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee tested.**
- 4. When requested by the National Transportation Safety Board as part of an accident investigation, the Athens Transit System shall disclose**

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

information related to its administration of drug and alcohol tests following the accident investigation.

5. **Records shall be made available to subsequent employers upon receipt of written request from the covered employee.**
6. **The Athens Transit System shall disclose data for its drug and alcohol testing program and any other information pertaining to its anti-drug program, when requested by the Secretary of Transportation or any DOT agency with regulatory authority over the Athens Transit System.**
7. **To be considered for employment, all applicants will be asked to give consent to Athens-Clarke County Transit for a background check of the applicant's previous DOT covered employer over the past two years. The information requested will include:**
  - (1) **Alcohol test results of 0.04 or higher alcohol concentration.**
  - (2) **Verified positive drug tests.**
  - (3) **Refusals to be tested (including verified adulterated or substituted drug test results).**
  - (4) **Other violations of DOT agency drug and alcohol testing regulations.**
  - (5) **With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-tests).**

## **7.0 EMPLOYMENT ASSESSMENT**

**Any safety-sensitive or non-safety-sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate each employee to determine what assistance the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. Any cost of treatment will be paid solely by the employee.**

All employees who test positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth above will be terminated.

Employees who voluntarily submit to rehabilitation program prior to testing positive on a drug or alcohol test will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Voluntary requests for treatment must be made prior to any pending drug/alcohol test or disciplinary action. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider.

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.



## **8.0 RE-ENTRY CONTRACTS**

Employees who re-enter the workforce after voluntarily submitting to a rehabilitation program prior to testing positive on a drug or alcohol test must agree to a re-entry contract. That contract may include (but is not limited to);

1. A release to work statement from the Substance Abuse Professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. A statement of work-related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

## **9.0 EMPLOYEE AND SUPERVISOR TRAINING**

**All safety sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use in personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.**

**Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.**

Information on the signs, symptoms, health affects and consequences of alcohol misuse is presented in Attachment 2 of this policy.

## **10.0 SYSTEM CONTACT**

Any questions regarding this policy or any other aspect of the drug free and alcohol free transit program should contact the following transit system representative:

### **Program Manager:**

**Name:** Jan Hansford  
**Title:** Assistant Personnel Director  
**Address:** 375 Satula Avenue  
Athens, GA 30601  
**Phone:** (706) 613-3090 ext 1104  
**Fax:** (706) 613-3118

### **Medical Review Officer:**

**Name:** Dr. Gilbert D. Harris, M.D.  
Athens Associates in Family Practice  
**Address:** 300 Hawthorne Lane  
Athens, GA 30606

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

**Phone** (706) 543-8510  
**Fax:** (706) 353-7788

**Employee Assistance Program:**

**Name:** Northeast Georgia Employee Assistant Program  
**Address:** 1435 Oglethorpe Avenue  
Athens GA 30606  
**Phone:** (706) 549-6658  
**Fax:** (706) 549-0428

**Substance Abuse Professional:**

**Name:** James Randy Flanigan  
**Address:** Flanigan's Counseling and Evaluation Service  
**Phone:** (706) 548-8846  
(706) 207-9436

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

## ATHENS TRANSIT

### Safety-Sensitive Functions

TRANSIT DIRECTOR  
TRANSIT ROUTE SUPERVISORS  
SUPERINTENDENT OF OPERATIONS  
SUPERINTENDENT OF MAINTENANCE  
REVENUE VEHICLE OPERATOR  
REVENUE VEHICLE AND EQUIPMENT MAINTENANCE  
REVENUE VEHICLE CONTROL/DISPATCH

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

## Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### Signs and Symptoms of Use

- Dulled mental process
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

### Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependant on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related)

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.

## **Social Issues**

- Two-Thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicular accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problem is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

## **The Annual Toll**

- 24,000 people will die on the highway due to the legally impaired driver
- 12,000 more will die on the highway due to the alcohol-affected driver
- 15,800 will die in non-highway accidents
- 30,000 will die due to alcohol-caused liver disease
- 10,000 will die due to alcohol-induced brain disease or suicide
- Up to another 125,000 will die due to alcohol-related conditions or accidents

## **Workplace Issues**

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

<sup>1</sup>All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug Free Workplace Act (49 CFR Part 29) are delineated in Italics. All other provisions are set forth under the authority of the transit system.



Large Transit System

San Diego Transit Corporation





## **San Diego Transit Corporation Drug and Alcohol Policy**

**Summary:** San Diego Transit Corporation's drug and alcohol policy went into effect on March 10, 2005 and it covers a large transit system. The policy applies to all San Diego Transit Corporation ("SDTC" or "company") employees and applicants for employment. It supersedes the SDTC drug and alcohol policy effective May 1, 2002.

This policy contains certain provisions applicable only to employees performing safety-sensitive functions (as defined below). Each section of this policy applies to all employees unless the particular section states that it applies only to safety-sensitive employees. For example, section V(C) of this policy, relating to post-accident alcohol and drug testing, and section V(D) of the policy, relating to random alcohol and drug testing, apply only to safety-sensitive employees.



**SAN DIEGO TRANSIT CORPORATION  
DRUG AND ALCOHOL POLICY**

**I.  
PURPOSES**

The purposes of this policy are as follows:

- A. To maintain a safe and efficient public transportation system;
- B. To establish and maintain a safe, healthy working environment for all employees;
- C. To reduce the incidence of accidental injury to person or property;
- D. To reduce absenteeism, tardiness and indifferent job performance;
- E. To provide assistance towards rehabilitation for employees who seek the company's help in overcoming addiction to, dependence on or problems with alcohol or drugs, provided they do so before violating this policy;
- F. To maintain a public transportation system and a work environment free of alcohol and drug related performance problems, accidents and injuries.
- G. To comply with the Federal Transit Administration ("FTA") regulations on prevention of prohibited drug use and alcohol misuse in transit operations, 49 C.F.R. Part 655.

**II.  
APPLICATION OF POLICY**

This policy applies to all San Diego Transit Corporation ("SDTC" or "company") employees and applicants for employment. This policy supersedes the SDTC drug and alcohol policy effective May 1, 2002.

This policy contains certain provisions applicable only to employees performing safety-sensitive functions (as defined below). Each section of this policy applies to all employees unless the particular section states that it applies only to safety-sensitive employees. For example, section V(C) of the policy, relating to post-accident alcohol and drug testing, and section V(D) of the policy, relating to random alcohol and drug testing, apply only to safety-sensitive employees.

Employees performing safety-sensitive functions for SDTC are those with the following job functions:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes; or
6. Supervisors of the aforementioned employees, since these supervisors may perform safety-sensitive duties.

SDTC has reviewed the actual duties performed by employees and has determined that the following job functions may require the performance of safety-sensitive duties: Bus Operators, Field Supervisors, all hourly Maintenance employees, Maintenance Manager, Assistant Maintenance Managers, Maintenance Foremen, Quality Assurance Manager, Quality Assurance Supervisor, Dispatchers, Communications/Operations Supervisors, Operations Trainer, Maintenance Instructor, Senior Asst. Manager of Transportation, Assistant Transportation Managers, Senior Transportation Supervisor, Director of Transportation and Director of Maintenance.

### **III. ILLEGAL DRUGS, LEGAL DRUGS AND ALCOHOL**

A. Illegal Drugs. The sale, offer to sell, purchase, use, manufacture, transfer or possession of illegal drugs while on company business or on company premises, property or vehicles is prohibited. Violation of this rule will result in disciplinary action, up to and including termination. Termination is likely for a violation of this rule, even for a first offense.

Illegal drug means any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term includes, but is not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine. It includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. It also includes any substance which a person holds out to another as an illegal drug.

No employee shall bring drug paraphernalia onto company premises or property or into company vehicles.

B. Legal Drugs. The use of prescribed or over-the-counter medications ("legal drugs") at a level, or in a manner, combination or quantity that impedes an employee's ability to

safely perform his or her job is prohibited and may lead to disciplinary action, up to and including termination.

It is the employee's duty to ensure that any legal drug he or she is taking allows him or her to safely perform his or her duties. If an employee intends to take any legal drug while working for which the instructions for use indicate the drug may affect or impair judgment, coordination or other senses, or may otherwise adversely affect the employee's ability to safely perform his or her job, he or she shall have an affirmative obligation to report the drug or medication which he or she is taking to his or her supervisor so that a determination can be made by the company's physicians as to the ability of the employee to perform his or her particular job safely while using that drug. In such a case, an employee may continue to work, even while taking a legal drug, if the company has determined, after consulting with its physicians, that the employee does not pose a threat to his or her own safety, public safety, or the safety of coworkers and that the employee's job performance is not significantly affected by the legal drug. Any employee using a prescription drug in the circumstances described above must provide the prescription and the medication itself (if requested) to SDTC's company physician within 24 hours after notification to do so by SDTC or its physicians.

C. Alcohol. No employee shall consume alcohol within four hours prior to their shift or any time during their shift. No employee shall consume or have alcoholic beverages in their possession in company vehicles, on company premises or property, or while on company business. Violation of these rules can result in disciplinary action, up to and including termination, even for a first offense.

No employee who is on-call and therefore subject to being called into work shall consume alcohol during those on-call hours. In the event such an employee is called and must report for duty, the employee will be given the opportunity to acknowledge that they have used alcohol and therefore are not able to perform their safety-sensitive function. In such a case, that employee shall not be required to perform work, but may be disciplined for the use of alcohol during on-call hours under SDTC policy (not under FTA regulations). If an on-call employee who is called to duty acknowledges the use of alcohol, but claims they are able to perform their safety-sensitive function, they must submit to alcohol testing. If the breath alcohol concentration is between 0.02 percent and 0.039 percent, the employee will not be allowed to perform any safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test. A breath alcohol test result of 0.04 percent or higher will subject the employee to termination from employment with the company.

#### **IV. PROHIBITION AGAINST EMPLOYEES HAVING ILLEGAL DRUGS OR ALCOHOL IN THEIR BODIES DURING WORKING TIME**

All employees of the company must report for work with no illegal drugs or their metabolites in their bodies. Employees must not have illegal drugs or their metabolites in their bodies at any time while on the job, and employees may be tested for the presence of illegal drugs at any time while on duty. Employees must not have alcohol in their bodies at a breath

alcohol concentration of 0.02 percent or higher while on duty. All alcohol tests will be performed just before an employee performs safety-sensitive duties, during that performance, or just after the employee has performed such duties. Employees are prohibited from using alcohol within four hours prior to their shift. Compliance with these rules is considered an essential job qualification for all employees. **Termination of employment will occur for a violation of any of these rules, even for a first offense. This is a zero tolerance policy. No employee who violates this policy will be given a second chance.**

**V.**  
**ENFORCEMENT OF RULE PROHIBITING EMPLOYEES  
FROM HAVING ILLEGAL DRUGS OR ALCOHOL IN  
THEIR BODIES DURING WORKING TIME**

**A. Preemployment Drug Testing.**

Prior to employment with the company, all final candidates will be required to pass a drug screen test administered by a medical facility designated by the company. If the drug screen test is canceled by the Medical Review Officer (“MRO”), the applicant must retake and pass the drug screen test before being hired. Any prospective employee refusing to submit to such examination will not be hired by the company. Any prospective employee failing the drug screen test will be rejected from further consideration for employment with the company. Further, any applicant or employee who has previously failed or refused a pre-employment drug test must provide proof to SDTC, prior to be considered for employment again, that they have successfully completed a referral, evaluation and substance abuse treatment plan compliant with the requirements in 49 C.F.R. Part 40.. All offers of employment are contingent upon the prospective employee’s compliance with this section. SDTC will provide each applicant or employee who fails a preemployment drug test with a list of names, addresses and telephone numbers of locally available Substance Abuse Professionals (“SAPs”) qualified in 49 C.F.R. Part 40 requirements.

**B. Reasonable Suspicion Alcohol and Drug Testing.**

When the company has reasonable suspicion to believe that an employee has violated the prohibitions set forth in this policy, the employee will be required to submit to an alcohol test and a drug screen test immediately upon demand by the company. Reasonable suspicion testing will be required when a trained supervisor can articulate and substantiate physical, behavioral and/or performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, and speech and/or body odors of an employee.

Any employee who fails the drug screen test or has a breath alcohol test result of 0.02 percent or greater will be immediately removed from service. An employee with a breath alcohol concentration of 0.02 to 0.039 percent will, at minimum, not be allowed to perform a safety-sensitive functions until the start of the employee’s next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test. Any employee with a positive drug screen test and/or a breath alcohol test result of 0.04 percent or higher will subject the employee to termination from employment with the company and will be referred to a locally

available Substance Abuse Professional (“SAP”) for evaluation in accordance with 49 C.F.R. Part 40.

Refusal to submit to any testing required by this section will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately.

C. Post-Accident Alcohol and Drug Testing.

*(This section of the policy applies only to safety-sensitive employees.)* Post-accident alcohol and drug testing will occur under the following circumstances:

1. Fatal Accidents. As soon as practicable following an accident involving the loss of human life, each surviving employee operating the mass transit vehicle at the time of the accident shall submit to an alcohol test and a drug test. Further, any other employee whose performance could have contributed to the accident (e.g., a mechanic in the case of brake failure causing the accident), as determined by the company using the best information available at the time of the decision, shall also be required to submit to an alcohol test and a drug screen test.

2. Non-Fatal Accidents. As soon as practicable following an accident not involving the loss of human life, each employee operating the mass transit vehicle at the time of the accident shall submit to an alcohol test and a drug screen test, unless company management determines, using the best information available at the time of the decision, that the employee’s performance can be completely discounted as a contributing factor to the accident. In addition, any employee whose performance could have contributed to the accident, as determined by the company, using the best information available at the time of the decision, will be required to submit to an alcohol test and a drug screen test.

3. Definition of “Accident.” An accident, as defined in this policy, means an occurrence associated with the operation of a vehicle, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or
- c. One or more vehicles in the accident incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle. Disabling damage means damage which precluded the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

Any employee involved in an accident is prohibited from using alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test and drug test. Any employee involved in an accident who fails to remain readily available for the testing

required by this section, including notifying company officials of his or her location if he or she leaves the scene of the accident prior to submission to such tests, will be deemed to have refused to submit to testing.

Post-accident testing will occur after the employee assists in resolution of the accident or receives medical attention following the accident. SDTC will complete the post-accident drug testing as soon as possible, and such testing will occur not later than 32 hours after the accident. SDTC will attempt to complete the post-accident alcohol testing within two hours of the accident. If the testing is not completed within two hours, SDTC will continue to attempt to complete the test and will prepare a report explaining why the breath specimen was not collected within two hours. If the alcohol test is not completed within eight hours of the accident, SDTC shall cease attempts to complete the test and update the report as to why the test was not completed.

Refusal to submit to a test required by this section will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately. Any employee failing a drug screen test or having a breath alcohol test result of 0.02 percent or greater will be immediately removed from service. Any employee with a positive drug screen test and/or a breath alcohol test result of 0.04 percent or greater will be subject to termination from employment with the company and will be referred to a locally available Substance Abuse Professional (“SAP”) for evaluation in accordance with 49 C.F.R. Part 40.

D. Random Alcohol and Drug Testing.

*(This section of the policy applies only to safety-sensitive employees.)* All safety-sensitive employees, as defined above, will be subject to unannounced, random alcohol testing and random drug testing in accordance with 49 C.F.R. Part 40. The selection of employees for random alcohol testing and random drug testing shall be by a scientifically valid method, such as a random number table or a computer-based random number generator. Each employee will have an equal chance of being tested each time selections are made. These tests will not be announced in advance and will be administered on all days and hours during which transit service is in operation throughout the calendar year. The current minimum testing requirement is to annually perform drug tests on 50% and alcohol tests on 10% of the safety-sensitive employees.

Each employee selected for random alcohol testing and/or random drug testing must proceed to the test site immediately. Refusal to submit to such a test will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately. Any employee failing a drug screen test or having a breath alcohol test result of 0.02 to 0.039 percent will be relieved of his or her duties immediately. Any employee with a positive drug screen test and/or a breath alcohol test result of 0.04 percent or greater will be subject to termination from employment with the company and will be referred to a locally available Substance Abuse Professional (“SAP”) for evaluation in accordance with 49 C.F.R. Part 40.



E. Drug Testing of Employees Assuming Safety-Sensitive Duties.

Any employee who accepts a position with the company involving safety-sensitive duties, who has previously been engaged in non-safety-sensitive duties, will be required to submit to and pass a drug screen test prior to assumption of the safety-sensitive duties. If the drug screen test is canceled by the MRO, the employee must retake and pass that test before assuming safety-sensitive duties. Refusal to submit to such a test will be sufficient grounds for termination of employment. Any employee failing a drug screen test will not be allowed to assume the safety-sensitive position, and will be removed from service. A positive drug screen test will subject the employee to termination from employment with the company. Any employee with a positive drug screen test will be referred to a locally available Substance Abuse Professional (“SAP”) for evaluation in accordance with 49 C.F.R. Part 40.

F. Return to Duty and Follow-Up Alcohol and Drug Testing.

Any employee who is allowed to return to duty after failing an alcohol or drug test, or following leave for substance abuse rehabilitation, must first provide a negative drug, alcohol (or both) test result. Employees returning to duty following leave for substance abuse rehabilitation may be required to undergo unannounced follow-up alcohol and/or drug testing as directed by a substance abuse professional (“SAP”). The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for as long as prescribed by the SAP, but such testing shall not continue beyond five years from the date the employee returns to safety-sensitive duties (labor agreements notwithstanding). Any such employee failing a drug screen test or having a breath alcohol test result of 0.02 percent or higher will be relieved of his or her duties immediately. Any employee with a positive drug screen test or a breath alcohol test result of 0.04 percent or greater during this period shall be immediately terminated from employment with the company and referred to a locally available SAP for evaluation in accordance with 49 C.F.R. Part 40.

G. DMV Recertification Alcohol and Drug Testing.

(The testing requirement in this section is required by SDTC, not by FTA regulations). All SDTC employees who are required by the company to have a valid DMV Class 2 license will be required to pass an alcohol test and a drug screen test each time they must recertify that license by submitting to a medical examination, which is currently at two year intervals. Refusal to submit to an alcohol test and a drug screen test at the time of the medical examination will be sufficient grounds for termination of employment. Any employee failing a drug screen test or having a breath alcohol test result of 0.02 percent or higher will be relieved of his or her duties immediately and may, at the company’s discretion, be referred to an SAP. Further, a positive drug screen test or a breath alcohol test result of 0.04 percent or higher will subject the employee to termination from employment with the company.

H. Alcohol and Drug Screening Following Injuries and Upon Return to Duty Following a Leave of Absence.

(The testing in this section is required by SDTC and not FTA regulations, except where noted.) Any employee who sustains an injury on the job will be required to submit to an

alcohol test and a drug screen test as part of the physician's examination of the employee for the injury.

Any employee returning to duty following a leave of absence from the company for 90 calendar days or more must submit to an alcohol test and a drug screen test.

Refusal to submit to any of the foregoing alcohol tests or drug screen tests will be sufficient grounds for termination of employment and will result in the employee being relieved of his or her duties immediately. Any employee failing a drug screen test and/or having a breath alcohol test result of 0.02 percent to 0.039 percent will be relieved of his or her duties immediately and will not be allowed to perform a safety-sensitive function within eight hours following the administration of the alcohol test. Any employee with positive drug screen test and/or having a breath alcohol test result of 0.04 percent or greater will be subject to termination from employment with the company.

*(Additional FTA-required testing.)* Any employee who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and where the employee has not been in SDTC's random selection pool during that time, shall be required to take a pre-employment drug test (see Section V(A) above) with a verified negative result before returning to duty.

## **VI. PROCEDURES FOR ALCOHOL AND DRUG TESTING**

A. Procedures for Alcohol Tests. All FTA-mandated alcohol testing called for in this policy shall be conducted in accordance with 49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs. The alcohol testing in this policy applies regardless of whether the alcohol was ingested as beverage alcohol or in a medicinal or other preparation.

The alcohol tests will be administered by a breath alcohol technician ("BAT"), using an evidential breath testing device ("EBT"). The BAT will be trained to proficiency in the operation of the EBT. The EBTs are subject to a quality assurance plan developed by the manufacturers of EBTs. In order to insure that the test results are attributed to the correct employee, the BAT will require the employee to provide photo identification before tests are conducted. If the result of the alcohol screening test is an alcohol concentration of less than 0.02 percent, the employee will be deemed to have passed the alcohol test. If the result of the screening test is a breath alcohol concentration of 0.02 percent or greater, a confirmation test shall be performed. The confirmation test shall be conducted within thirty minutes of the completion of the screening test. The results of FTA-mandated breath alcohol testing will be compiled on a U.S. Department of Transportation ("DOT") Alcohol Testing Form ("ATF"). The results of breath alcohol testing required by SDTC (and not FTA) will be on non-DOT testing forms.

B. Procedures for Drug Screen Tests. All FTA-mandated drug screen tests called for in this policy shall be conducted in accordance with 49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs. The drugs tested for will be

marijuana, cocaine, opiates, phencyclidine and amphetamines. The DOT drug testing custody and control form will be utilized in connection with all FTA-mandated drug screen tests administered pursuant to this policy (tests under SDTC policy will be conducted using non-DOT testing forms). When an employee arrives at the collection site, the collection site person shall positively identify the employee through the presentation of photo identification. Collection personnel will be trained to ensure employee privacy in providing the urine specimen. Urine specimens collected for drug testing will be split into two containers at the collection site. Collection site personnel will be trained to maintain the integrity of the specimen collection and transfer process. In order to maintain the integrity of the urine specimen, the specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer to the laboratory conducting the testing on the urine specimen. A tamper-proof sealing system will be utilized to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form.

Transfer of a urine specimen will always be accomplished through appropriate chain of custody procedures. The forms accompanying the specimens will have unique preprinted specimen ID numbers and the employee will sign or initial certifying that the specimen was taken from that employee. All drug screen tests which are positive will be retested in a confirmation test prior to the laboratory specifying a positive result on a drug screen test. All drug testing done under this policy will be done by a laboratory that has been certified by the federal Department of Health and Human Services (“DHHS”). SDTC’s DHHS certified laboratory is Quest Diagnostics, Inc. All confirmatory tests will be performed using GC/MS techniques. There are federally mandated cut-off limits for the minimum quantity of drug that must be detected in order for a positive test on the initial and confirming test. The current cut-off limits expressed in nanograms per milliliter (ng/ml) are as follows:

<u>Drug</u>	<u>Initial Screen</u>	<u>Confirming Test</u>
Marijuana	50	15
Cocaine	300	150
Opiates	2000	2000
PCP	25	25
Amphetamines	1000	500

In order to protect SDTC’s employees and the integrity of the drug testing process, SDTC has retained the services of a Medical Review Officer (“MRO”). SDTC’s MRO is Benjamin Gerson, M.D., of University Services. Dr. Gerson’s phone number is 215-637-6800. The MRO is a licensed physician with knowledge of drug abuse disorders. If the laboratory results are confirmed positive, the MRO will interview the employee and review all information provided by the employee to determine whether the results are indicative of illegal or illicit drug use. If the employee provides an adequate explanation, the MRO will verify the test results as negative with the substance abuse program manager and take no further action. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the second split specimen be tested in a different DHHS laboratory. The MRO shall honor such request if it is

made within 72 hours of the employee having been notified of a verified positive test. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the primary specimen or analysis of the split specimen, as applicable, be performed. If the employee requests such testing of the second split specimen, the employee must pay for such testing. The results of the test at the second DHHS-approved laboratory will be forwarded to the MRO. If the results of the second test fail to confirm the presence of the drugs or drug metabolites found in the primary specimen, the MRO shall cancel the test.

If the MRO advises SDTC that the result of the drug test was negative, but that the test was dilute (i.e. a specimen with creatinine and specific gravity values that are lower than expected for human urine), the employee will be required to take another drug screen test immediately. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be utilized for determining if the employee passed the drug screen test.

The drug testing laboratory shall report test results to the MRO in writing, identifying the results of the test. The MRO will report to SDTC whether the test is positive or negative, and may report the drug for which there was a positive test, but shall not disclose the quantitation of the test results (except in the case of a grievance, lawsuit, or other proceeding initiated by the employee arising out of the verified positive drug test). All records pertaining to urine specimens shall be retained by the drug testing laboratory for a minimum of two (2) years. The drug testing laboratory shall retain all urine specimens confirmed as positive and place them into properly secured long-term frozen storage for a minimum of one (1) year.

## **VII. FALSIFICATION, FAILURE TO ARRIVE FOR TESTING AND FAILURE TO NOTIFY**

Any employee who provides false information in connection with an alcohol or drug test administered under this policy, shall be subject to termination of employment under SDTC policy.

All employees are required to notify SDTC Human Resources in writing immediately, but in any event within five days, after they have been convicted of a criminal drug statute violation that occurred in the workplace or while working. Any employee who fails to notify the SDTC Director of Human Resources and Labor Relations of any such conviction for a criminal drug violation no later than five days after such conviction shall be subject to termination of employment.

**VIII.**  
**BEHAVIOR CONSTITUTING A REFUSAL TO SUBMIT TO**  
**A TEST**

A. Actions considered a refusal to submit to an alcohol or drug screen test include:

- (1) Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- (2) Failure to remain at the testing site until the testing process is complete;
- (3) Failure to cooperate with any part of the testing process;
- (4) Refusal by an employee to complete and sign the certification at Step 2 of the ATF (Alcohol Testing Form) for an FTA-mandated test (or an SDTC form, if it is a non-FTA test);
- (5) Failure to provide an adequate breath specimen for testing without a valid medical explanation, or
- (6) Refusal to undergo a medical examination or evaluation as directed by the MRO or as directed by a Designated Employer Representative (“DER”).

B. Actions considered a refusal to submit to a drug screen test include:

- (1) Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- (2) Failure to remain at the testing site until the testing process is complete;
- (3) Failure to cooperate with any part of the testing process (e.g., refusal to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process);
- (4) Failure to provide a sufficient urine sample as required without a valid medical cause established in writing by a physician;
- (5) Refusal to undergo a medical examination or evaluation as directed by the MRO or as directed by a Designated Employer Representative (“DER”);
- (6) Failure or refusal by an employee to take a second drug screen test if a DER or the MRO has directed the employee to do so;
- (7) Failure to permit the observation or monitoring of the collection of the specimen in the case where the MRO requires a directly observed or monitored collection of a urine specimen; or
- (8) The MRO reports to SDTC that an employee has a verified adulterated or substituted test result.

Refusal to submit to a drug test constitutes a verified positive drug test result.

## **IX. EMPLOYEE ASSISTANCE PROGRAM**

A. Any employee who feels that he or she has developed an addiction to, dependence upon or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. No disciplinary action will be issued against any employee who (1) comes forward to management with their problem *prior* to being requested to submit to an alcohol or drug screen test and before the company learns of a violation of the drug and alcohol policy, and (2) provided the employee has not violated the policy before coming to management. If an employee comes forward to management regarding a drug or alcohol problem seeking assistance, but management learns that the employee violated this policy before coming forward (e.g. a bus driver who drove a bus with illegal drugs in his system), SDTC will discipline the employee for violating the policy, up to and including termination of employment. Further, if the company learns of a violation of this policy before the employee comes forward, or if the employee seeks assistance for the problem only after being requested to submit to a drug or alcohol test, the employee will be subject to disciplinary action up to and including termination of employment.

B. Assistance for substance abuse may be sought by contacting Human Resources, your immediate supervisor, any officer of your local union, or the Employee Assistant Program (“EAP”) directly. Information concerning the EAP is posted on bulletin boards throughout the company and is available from Human Resources. Each request for assistance will be treated as confidential.

C. The company’s EAP has developed contacts with local hospitals and community organizations offering alcohol or drug treatment programs. The EAP will refer employees seeking assistance to an appropriate treatment organization. Any employee failing a test required under this policy will be referred to the EAP, which will determine what assistance, if any, the employee needs in resolving problems associated with drugs or alcohol. The referral to the EAP is independent of any disciplinary action that the company may impose.

D. Rehabilitation itself is the responsibility of the employee. However, any employee seeking medical attention for alcoholism or drug addiction will be entitled to benefits available under the company or the union’s group medical insurance plans subject to the restrictions and limits stated in the applicable plan summary. Furthermore, rehabilitation leave will be available only to those employees whose employment is not terminated by management because they meet the conditions for employee assistance as set forth in paragraph A above. Employees granted rehabilitation leave will be subject to the leave of absence provisions of the collective bargaining agreement (or the applicable administrative leave policies, if the employee is an administrative employee or member of management). Rehabilitation leave will be available on a one-time-only basis, subject to the conditions for continuing employment in Paragraph E below. **SDTC will not offer rehabilitation leave on a second occasion. The recurrence of an alcohol or drug problem will result in termination of employment.**

E. To be eligible for continuation in employment with SDTC following a rehabilitation leave, the employee must:

1. Undergo evaluation by the Substance Abuse Professional (“SAP”), who will recommend a course of rehabilitation.
2. Begin a program of rehabilitation, strictly follow the rules and guidelines of that program, and sign a release of all medical information, including that relating to drug and alcohol treatment, so the company can monitor his or her progress.
3. Remain continuously enrolled in a treatment program and actively participate in that program.
4. *Not* reject treatment or leave the treatment program prior to being properly discharged therefrom.
5. Agree that the SAP will determine whether the employee has successfully completed the program.
6. Not violate the Drug and Alcohol Policy.

F. Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged therefrom will be terminated from employment with SDTC.

G. All employees returning to active employment from rehabilitation will be required to sign a “Return to Work Agreement” providing:

1. That the employee must pass an alcohol and/or drug test before returning to work;
2. That a substance abuse professional must determine that the employee has properly followed an appropriate rehabilitation program and is capable of returning to duty;
3. For unannounced alcohol and drug testing at a company designated medical facility for a minimum of 12 months from date of return to work to insure that the employee has freed himself or herself from the alcohol and/or drug problem. The number and frequency of the unannounced testing shall be as directed by a Substance Abuse Professional (“SAP”), and shall consist of at least six tests in the first 12 months following the employee’s return to duty. The employee will be subject to follow-up testing for as long as prescribed by the SAP, but such testing shall not continue beyond five years from the date the employee returns to duty.
4. That failure of such a test or refusal to immediately submit to such testing during this period shall be grounds for immediate termination;
5. That the employee must maintain an acceptable attendance and performance record, not violate the Drug and Alcohol Policy and comply with all other company rules and policies upon their return to work.

**X.**  
**ADDITIONAL INFORMATION REGARDING THIS DRUG  
AND ALCOHOL POLICY**

A. Questions Regarding the Policy. Any employees having questions about SDTC's Drug and Alcohol policy should contact the company's Manager of Human Resources, Steve St. Pierre, at the MTS building, 1255 Imperial Avenue, Suite 900, San Diego, California 92101-7490, telephone number 619-557-4568.

B. Substance Abuse Professional.

SDTC has secured the services of a Substance Abuse Professional ("SAP"). SDTC's Substance Abuse Professional is Peggy Wagner of Horizons Health Group, who can be reached at 858-571-1698. Ms. Wagner is a Certified Employee Assistance Professional who specializes in evaluating and treating individuals with substance abuse disorders. The SAP will be utilized to evaluate employees who come forward with substance abuse problems, and employees who are found in violation of this policy. As to employees returning to duty after failing an alcohol or drug test or following leave for substance abuse rehabilitation, the SAP will evaluate the employee and direct the frequency of follow-up drug and alcohol testing for the employee.

C. Notice of Certain Requirements in Addition to FTA-Mandated Requirements.

This policy is designed to comply with the Federal Transit Administration ("FTA") regulations on prevention of prohibited drug use and alcohol misuse in transit operations, 49 C.F.R. Part 655. However, SDTC has added certain additional requirements to this policy not mandated by the FTA regulations, including the following:

1. Except as specifically noted, this policy applies to all SDTC employees, not just safety-sensitive employees as defined by FTA.
2. This policy prohibits the use of legal drugs while working if those drugs may impair judgment, coordination or other senses, or have an adverse effect on safety.
3. This policy calls for alcohol and drug testing at the time of DMV recertification, as set forth in paragraph V(G) of this policy.
4. This policy requires alcohol and drug testing following injuries and upon return to duty following a leave of absence of 90 calendar days or more.

D. Right to Examine Records.

Every employee has the unqualified right to review his/her drug and alcohol testing records, provide information to dispute the results of a drug or alcohol test and, upon written request, to obtain copies of any records pertaining to his or her drug and alcohol tests, including records pertaining to equipment calibration and laboratory certifications.

E. Training. SDTC provides training for its supervisors in order for them to be able to make a determination of whether reasonable suspicion exists for an employee to be required to



submit to reasonable suspicion alcohol/drug screening. This training includes a minimum of 60 minutes of supervisor training on drugs and 60 minutes of supervisor training on alcohol.

Further, SDTC has conducted training for all existing employees and conducts training for all new employees, consisting of a minimum of 60 minutes of employee training on drugs and alcohol and the drug and alcohol policy.

\* \* \*

**APPROVAL OF POLICY BY SDTC**

This Drug and Alcohol Policy has been approved by the Board of Directors and Chief Operating Officer of SDTC.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Leon Williams, Chairman,  
Board of Directors

Dated: \_\_\_\_\_

\_\_\_\_\_  
Claire Spielberg, Chief Operating Officer

**ACKNOWLEDGMENT OF RECEIPT OF  
SAN DIEGO TRANSIT CORPORATION  
DRUG AND ALCOHOL POLICY  
(Effective March 10, 2005-Revised)**

I hereby acknowledge receipt of a copy of the revised SAN DIEGO TRANSIT CORPORATION Drug and Alcohol Policy effective March 10, 2005. I understand that I am responsible to read the policy and in consideration of my employment with the company, I hereby agree to comply with the policy in all respects and consent to the alcohol testing and drug testing required by this policy.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Employee Badge Number



State DOT–Statewide Policy

Ohio DOT



## **Ohio Department of Transportation (ODOT) Drug and Alcohol Testing Policy**

**Summary:** ODOT's drug and alcohol testing policy is a statewide policy, covering the 12 districts in the state of Ohio. ODOT's mission is to ensure that its transit and paratransit services are delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result.





1  
2  
3 **DRUG AND ALCOHOL TESTING POLICY**

4  
5 **Adopted \_\_\_\_\_, 2004**

6  
7  
8 **A. PURPOSE**

9  
10 The \_\_\_\_\_ provides public transit and  
11 paratransit services for the residents of  
12 \_\_\_\_\_. Part of our mission is to  
13 ensure that this service is delivered safely, efficiently, and  
14 effectively by establishing a drug and alcohol-free work  
15 environment, and to ensure that the workplace remains free from  
16 the effects of drugs and alcohol in order to promote the health and  
17 safety of employees and the general public. In keeping with this  
18 mission, \_\_\_\_\_ declares that the unlawful  
19 manufacture, distribution, dispense, possession, or use of  
20 controlled substances or misuse of alcohol is prohibited for all  
21 employees.

22  
23 Additionally, the purpose of this policy is to establish  
24 guidelines to maintain a drug and alcohol-free workplace in  
25 compliance with the Drug-Free Workplace Act of 1988, and the  
26 Omnibus Transportation Employee Testing Act of 1991. This policy  
27 is intended to comply with all applicable Federal regulations  
28 governing workplace anti-drug and alcohol programs in the transit  
29 industry. Specifically, the Federal Transit Administration (FTA) of  
30 the U.S. Department of Transportation has published 49 CFR Part  
31 655, as amended, that mandates urine drug testing and breath  
32 alcohol testing for safety-sensitive positions, and prohibits  
33 performance of safety-sensitive functions when there is a positive  
34 test result. The U. S. Department of Transportation (USDOT) has  
35 also published 49 CFR Part 40, as amended, that sets standards  
36 for the collection and testing of urine and breath specimens.

37  
38 Any provisions set forth in this policy that are included under  
39 the sole authority of \_\_\_\_\_ and are not provided  
40 under the authority of the above named Federal regulations are  
41 underlined.

**All Underlined sections are suggested employer provisions and not required by the FTA. Transit system's must decide if the sections are to be deleted, if they remain, or if the provisions need to be changed to reflect current transit system policy, (i.e. disciplinary actions)**

**All Underlined sections are suggested employer provisions and not required by the FTA. Transit system's must decide if the sections are to be deleted, if they remain, or if the provisions need to be changed to reflect current transit system policy, (i.e. disciplinary actions)**

46 B. APPLICABILITY

47  
48 This Drug and Alcohol Testing Policy applies to all safety-  
49 sensitive employees (full- or part-time) when performing safety  
50 sensitive duties \_\_\_\_\_ employees that do not  
51 perform safety-sensitive functions are also covered under this  
52 policy under the sole authority of \_\_\_\_\_. A safety-  
53 sensitive function is operation of mass transit service including  
54 the operation of a revenue service vehicle (whether or not the  
55 vehicle is in revenue service), maintenance of a revenue service  
56 vehicle or equipment used in revenue service, security personnel  
57 who carry firearms, dispatchers or person controlling the  
58 movement of revenue service vehicles and any other transit  
59 employee who is required to hold a Commercial Drivers License.  
60 Maintenance functions include the repair, overhaul, and rebuild of  
61 engines, vehicles and/or equipment used in revenue service. A  
62 list of safety-sensitive positions who perform one or more of the  
63 above mentioned duties is provided in Attachment A.  
64 Supervisors are only safety sensitive if they perform one of the  
65 above functions. Volunteers are considered safety sensitive and  
66 subject to testing if they are required to hold a CDL, or receive  
67 remunerated for service in excess of actual expense.

68  
69 C. DEFINITIONS

70  
71 *Accident* means an occurrence associated with the operation  
72 of a vehicle even when not in revenue service in revenue service, if  
73 as a result--

- 74  
75 (1) An individual dies;  
76 (2) An individual suffers a bodily injury and immediately  
77 receives medical treatment away from the scene of  
78 the accident; or,  
79 (3) One or more vehicles incurs disabling damage as the  
80 result of the occurrence and is transported away from  
81 the scene by a tow truck or other vehicle. For  
82 purposes of this definition, *disabling damage* means  
83 damage which precludes departure of any vehicle  
84 from the scene of the occurrence in its usual manner  
85 in daylight after simple repairs. Disabling damage  
86 includes damage to vehicles that could have been  
87 operated but would have been further damaged if so  
88 operated, but does not include damage which can be  
89 remedied temporarily at the scene of the occurrence  
90 without special tools or parts, tire disablement without

91 other damage even if no spare tire is available, or  
92 damage to headlights, taillights, turn signals, horn,  
93 mirrors or windshield wipers that makes them  
94 inoperative.

95  
96 *Adulterated specimen.* A specimen that contains a  
97 substance that is not expected to be present in human urine, or  
98 contains a substance expected to be present but is at a  
99 concentration so high that it is not consistent with human urine.

100  
101 *Alcohol* means the intoxicating agent in beverage alcohol,  
102 ethyl alcohol, or other low molecular weight alcohols contained in  
103 any beverage, mixture, mouthwash, candy, food, preparation or  
104 medication.

105  
106 *Alcohol Concentration* is expressed in terms of grams of  
107 alcohol per 210 liters of breath as measured by an evidential breath  
108 testing device.

109  
110 *Canceled Test* is a drug test that has been declared invalid  
111 by a Medical Review Officer. A canceled test is neither positive nor  
112 negative.

113  
114 *Covered Employee* means an employee who performs a  
115 safety-sensitive function including an applicant or transferee who is  
116 being considered for hire into a safety-sensitive function (See  
117 Attachment A for a list of covered employees), and other  
118 employees, applicants, or transferee that will not perform a safety-  
119 sensitive function but falls under the policy of the company's own  
120 authority.

121  
122  
123 *Designated Employer Representative (DER)* An  
124 employee authorized by the employer to take immediate action to  
125 remove employees from safety-sensitive duties and to make  
126 required decisions in testing. The DER also receives test results  
127 and other communications for the employer, consistent with the  
128 requirements of 49 CFR Parts 40 and 655.

129  
130 *Department of Transportation (DOT)* Department of the  
131 federal government which includes the, Federal Transit  
132 Administration, Federal Railroad Administration, Federal Highway  
133 Administration, Federal Motor Carriers' Safety Administration,  
134 Research and Special Programs, and the Office of the Secretary of  
135 Transportation.

136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179

*Dilute specimen.* A specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT)* A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

*Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

*Negative test result* for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Non-negative test result* is a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

*Performing (a safety-sensitive function)* means a covered employee is considered to be performing a safety-sensitive function

180 and includes any period in which he or she is actually performing,  
181 ready to perform, or immediately available to perform such  
182 functions.

183

184 *Positive test result* for a drug test means a verified presence  
185 of the identified drug or its metabolite at or above the minimum  
186 levels specified in 49 CFR Part 40, as amended. A positive alcohol  
187 test result means a confirmed alcohol concentration of 0.04 BAC or  
188 greater.

189

190 *Prohibited drug* means marijuana, cocaine, opiates,  
191 amphetamines, or phencyclidine at levels above the minimum  
192 thresholds specified in 49 CFR Part 40, as amended.

*Revenue Service Vehicles* include all transit vehicles that are used for passenger transportation service or that require a CDL to operate. Include all ancillary vehicles used in support of the transit system.

*Safety-sensitive functions* include (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) controlling the movement of a revenue service vehicle and (e) carrying a firearm for security purposes.

*Substance Abuse Professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

*Substituted specimen.* A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

*Test Refusal* The following are considered a refusal to test if the employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed you to take;
- 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 as part of the "shy bladder" or "shy lung" procedures
- 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).

- if the MRO reports that there is verified adulterated or substituted test result
- Failure or refusal to sign Step 2 of the alcohol testing form.

*Verified negative test* means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test* means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing* is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### D. EDUCATION AND TRAINING

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Under the \_\_\_\_\_'s own authority, supervisory personnel will also be trained on how to intervene constructively, and how to effectively integrate an employee back into his/her work group following intervention and/or treatment.

Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.

#### E. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following.

(1) Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

(2) Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a \_\_\_\_\_ supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

(3) Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under \_\_\_\_\_ authority, an alcohol test can be performed any time a covered employee is on duty.

## F. PROHIBITED CONDUCT

(1) All covered employees are prohibited from reporting for duty or



remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.

- (2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- (3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- (4) (4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- (5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- (7) \_\_\_\_\_ under its own authority also prohibits the consumption of alcohol all times employee is on duty, or anytime the employee is in uniform.
- (8) Consistent with the Drug-free Workplace Act of 1988, all \_\_\_\_\_ employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including Transit Department premises and transit vehicles.

#### G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the \_\_\_\_\_ management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.10 of this policy.

#### H. TESTING REQUIREMENTS

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49CFR part 40 as amended. All covered employees shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and

random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.

. All covered employees who have tested positive for drugs or alcohol will be tested prior to returning to duty after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return-to-duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

A drug test can be performed any time a covered employee is on duty. An alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with \_\_\_\_\_. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q.3 of this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employees removal from duty and disciplined as defined in Section Q.3 of this policy. Refer to Section C 3 for behavior that constitutes a refusal to test.

#### I. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

44 The drugs that will be tested for include marijuana, cocaine,  
45 opiates, amphetamines, and phencyclidine. After the identity of the  
46 donor is checked using picture identification, a urine specimen will  
47 be collected using the split specimen collection method described  
48 in 49 CFR Part 40, as amended. Each specimen will be  
49 accompanied by a DOT Chain of Custody and Control Form and  
50 identified using a unique identification number that attributes the  
51 specimen to the correct individual. The specimen analysis will be  
52 conducted at a HHS certified laboratory. An initial drug screen and  
53 validity test will be conducted on the primary urine specimen. For  
54 those specimens that are not negative, a confirmatory Gas  
55 Chromatography/Mass Spectrometry (GC/MS) test will be  
56 performed. The test will be considered positive if the amounts of  
57 the drug(s) and/or its metabolites identified by the GC/MS test are  
58 above the minimum thresholds established in 49 CFR Part 40, as  
59 amended.

60  
61 The test results from the HHS certified laboratory will be  
62 reported to a Medical Review Officer. A Medical Review Officer  
63 (MRO) is a licensed physician with detailed knowledge of  
64 substance abuse disorders and drug testing. The MRO will review  
65 the test results to ensure the scientific validity of the test and to  
66 determine whether there is a legitimate medical explanation for a  
67 confirmed positive, substitute, or adulterated test result. The MRO  
68 will attempt to contact the employee to notify the employee of the  
69 non-negative laboratory result, and provide the employee with an  
70 opportunity to explain the confirmed laboratory test result. The  
71 MRO will subsequently review the employee's medical  
72 history/medical records as appropriate to determine whether there  
73 is a legitimate medical explanation for a non-negative laboratory  
74 result. If no legitimate medical explanation is found, the test will be  
75 verified positive or refusal to test and reported to the  
76 \_\_\_\_\_ Drug and Alcohol Program Manager (DAPM).  
77 If a legitimate explanation is found, the MRO will report the test  
78 result as negative to the DAPM and no further action will be taken.  
79 If the test is invalid without a medical explanation, a retest will be  
80 conducted under direct observation.

81 Any covered employee who questions the results of a  
82 required drug test under paragraphs L through P of this policy may  
83 request that the split sample be tested. The split sample test must  
84 be conducted at a second HHS-certified laboratory with no  
85 affiliation with the laboratory that analyzed the primary specimen.  
86 The test must be conducted on the split sample that was provided  
87 by the employee at the same time as the primary sample. The  
88 method of collecting, storing, and testing the split sample will be

89 consistent with the procedures set forth in 49 CFR Part 40, as  
90 amended. The employee's request for a split sample test must be  
91 made to the Medical Review Officer within 72 hours of notice of the  
92 original sample verified test result. Requests after 72 hours will  
93 only be accepted at the discretion of the MRO if the delay was due  
94 to documentable facts that were beyond the control of the  
95 employee. \_\_\_\_\_ will ensure that the cost for the  
96 split specimen are covered in order for a timely analysis of the  
97 sample, however \_\_\_\_\_ will seek reimbursement for  
98 the split sample test from the employee.

99  
100 If the analysis of the split specimen fails to confirm the  
101 presence of the drug(s) detected in the primary specimen, if the  
102 split specimen is not able to be analyzed, or if the results of the split  
103 specimen are not scientifically adequate, the MRO will declare the  
104 original test to be canceled and will direct \_\_\_\_\_ to  
105 retest the employee under direct observation.

106  
107 The split specimen will be stored at the initial laboratory until  
108 the analysis of the primary specimen is completed. If the primary  
109 specimen is negative, the split will be discarded. If the primary is  
110 positive, the split will be retained for testing if so requested by the  
111 employee through the Medical Review Officer. If the primary  
112 specimen is positive, it will be retained in frozen storage for one  
113 year and the split specimen will also be retained for one year.

#### 114 115 Observed collections

116  
117 Consistent with 49 CFR part 40, as amended, collection under  
118 direct observation (by a person of the same gender) with no  
119 advance notice will occur if:

120 (1) The laboratory reports to the MRO that a specimen is invalid,  
121 and the MRO reports to \_\_\_\_\_ that there was  
122 not an adequate medical explanation for the result; or

123 (2) The MRO reports to \_\_\_\_\_ that the  
124 original positive, adulterated, or substituted test result had to be  
125 cancelled because the test of the split specimen could not be  
126 performed.

127 (3) The collector observes materials brought to the collection site  
128 or the employee's conduct clearly indicates an attempt to tamper  
129 with a specimen or

130 (4) The temperature on the original specimen was out of range.

131

132 In addition, \_\_\_\_\_ may direct a  
133 collection under direct observation of an employee if the drug test is  
134 a return-to-duty test or a follow-up test.

135  
136 J. ALCOHOL TESTING PROCEDURES

137  
138 Tests for breath alcohol concentration will be conducted  
139 utilizing a National Highway Traffic Safety Administration (NHTSA)-  
140 approved Evidential Breath Testing device (EBT) operated by a  
141 trained Breath Alcohol Technician (BAT). Alcohol screening tests  
142 may be performed using a non-evidential testing device which is  
143 also approved by NHSTA. If the initial test indicates an alcohol  
144 concentration of 0.02 or greater, a second test will be performed to  
145 confirm the results of the initial test. The confirmatory test must  
146 occur on an EBT. The confirmatory test will be conducted at least  
147 fifteen minutes after the completion of the initial test. The  
148 confirmatory test will be performed using a NHTSA-approved EBT  
149 operated by a trained BAT. The EBT will identify each test by a  
150 unique sequential identification number. This number, time, and  
151 unit identifier will be provided on each EBT printout. The EBT  
152 printout, along with an approved alcohol testing form, will be used  
153 to document the test, the subsequent results, and to attribute the  
154 test to the correct employee. The test will be performed in a  
155 private, confidential manner as required by 49 CFR Part 40, as  
156 amended. The procedure will be followed as prescribed to protect  
157 the employee and to maintain the integrity of the alcohol testing  
158 procedures and validity of the test result.

159  
160 An employee who has a confirmed alcohol concentration of  
161 0.04 or greater will be considered a positive alcohol test and in  
162 violation of this policy. The consequences of a positive alcohol test  
163 are described in Section Q.4-5 of this policy. Even though an  
164 employee who has a confirmed alcohol concentration of 0.02 to  
165 0.039 is not considered positive, the employee shall still be  
166 removed from duty for at least eight hours or for the duration of the  
167 work day whichever is longer and will be subject to the  
168 consequences described in Section Q.9 of this policy. An alcohol  
169 concentration of less than 0.02 will be considered a negative test.

170  
171 The Transit Department affirms the need to protect individual  
172 dignity, privacy, and confidentiality throughout the testing process.  
173 If at any time the integrity of the testing procedures or the validity of  
174 the test results is compromised, the test will be canceled. Minor  
175 inconsistencies or procedural flaws that do not impact the test  
176 result will not result in a cancelled test.

177 The alcohol testing form (ATF) required by 49 CFR Part 40  
178 as amended, shall be used for all FTA required testing. Failure of  
179 an employee to sign step 2 of the ATF will be considered a refusal  
180 to submit to testing.

181  
182 K. PRE-EMPLOYMENT TESTING

183  
184 All applicants for covered transit positions shall undergo  
185 urine drug testing and breath alcohol testing prior to performance of  
186 a safety-sensitive function.

187 (1) All offers of employment for covered positions shall be  
188 extended conditional upon the applicant passing a  
189 drug and alcohol test test. An applicant shall not be  
190 placed into a safety -sensitive position unless the  
191 applicant takes a drug test with verified negative  
192 results, and an alcohol concentration below 0.02.

193 (2) A non-covered employee shall not be placed,  
194 transferred or promoted into a covered position until  
195 the employee takes a drug test with verified negative  
196 results and an alcohol concentration below 0.02.

197  
198 (3) If an applicant fails a pre-employment drug or alcohol  
199 test, the conditional offer of employment shall be  
200 rescinded. Failure of a pre-employment drug and/or  
201 alcohol test will disqualify an applicant for  
202 employment for a period of at least one year. The  
203 applicant must provide the employer proof of having  
204 successfully completed a referral, evaluation and  
205 treatment plan as described in section 655.62 of  
206 subpart G. The cost for the assessment and any  
207 subsequent treatment will be the sole responsibility of  
208 the applicant.

209 (4) When an employee being placed, transferred, or  
210 promoted from a non-covered position to a covered  
211 position submits a drug test with a verified positive  
212 result, and/or an alcohol concentration above 0.04  
213 the employee shall be subject to disciplinary action in  
214 accordance with Section Q.4-5 and 9 herein.

215 (5) If a pre-employment/pre-transfer test is canceled,  
216 \_\_\_\_\_ will require the applicant to take  
217 and pass another pre-employment drug test.

218 (6) In instances where a covered employee is on  
219 extended leave for a period of 90 days or more  
220 regardless of reason, and is not in the random testing  
221 pool the employee will be required to take a drug and

222 alcohol test under 49 CFR Part 655 and have  
223 negative test results prior to the conduct of safety-  
224 sensitive job functions.

225 (7) An applicant with a dilute negative test result will be  
226 required to retest.

227 (8) Applicants are required to report previous DOT  
228 covered employer drug and alcohol test results—  
229 Failure to do so will result in the employment offer  
230 being rescinded. If the applicant has tested positive or  
231 refused to test on a pre-employment test for a DOT  
232 covered employer. The applicant must provide  
233 \_\_\_\_\_ proof of having successfully  
234 completed a referral, evaluation and treatment plan as  
235 described in section 655.62 of subpart G.  
236

#### 237 238 L. REASONABLE SUSPICION TESTING

239  
240 All \_\_\_\_\_ covered employees will be subject  
241 to a reasonable suspicion drug and/or alcohol test when the  
242 employer has reasonable suspicion to believe that the covered  
243 employee has used a prohibited drug and/or engaged in alcohol  
244 misuse. Reasonable suspicion shall mean that there is objective  
245 evidence, based upon specific, contemporaneous, articulable  
246 observations of the employee's appearance, behavior, speech or  
247 body odor that are consistent with possible drug use and/or alcohol  
248 misuse. Reasonable suspicion referrals must be made by one or  
249 more supervisors who are trained to detect the signs and  
250 symptoms of drug and alcohol use, and who reasonably concludes  
251 that an employee may be adversely affected or impaired in his/her  
252 ~~work performance~~ due to possible prohibited substance abuse or  
253 alcohol misuse. A reasonable suspicion alcohol test can only be  
254 conducted just before, during, or just after the performance of a  
255 safety-sensitive job function. However, \_\_\_\_\_ under  
256 \_\_\_\_\_ 's authority, a reasonable suspicion alcohol  
257 test may be performed any time the covered employee is on duty.  
258 A reasonable suspicion drug test can be performed any time the  
259 covered employee is on duty.

260  
261 \_\_\_\_\_ shall be responsible for transporting  
262 the employee to the testing site. Supervisors should avoid placing  
263 themselves and/or others into a situation which might endanger the  
264 physical safety of those present. The employee shall be placed on  
265 administrative leave pending disciplinary action described in  
266 Section Q.4-5 and 9 of this policy. An employee who refuses an

267 instruction to submit to a drug/alcohol test shall not be permitted to  
268 finish his or her shift and shall immediately be placed on  
269 administrative leave pending disciplinary action as specified in  
270 Section Q.3 of this policy.

271  
272 A written record of the observations which led to a  
273 drug/alcohol test based on reasonable suspicion shall be prepared  
274 and signed by the supervisor making the observation. This written  
275 record shall be submitted to the \_\_\_\_\_ management  
276 and shall be attached to the forms reporting the test results.

277  
278 When there are no specific, contemporaneous, articulable  
279 objective facts that indicate current drug or alcohol use, but the  
280 employee (who is not already a participant in a treatment program)  
281 admits the abuse of alcohol or other substances to a supervisor in  
282 his/her chain of command, the employee shall be referred to the  
283 SAP for an assessment. \_\_\_\_\_ shall place the  
284 employee on administrative leave in accordance with the provisions  
285 set forth under Section Q.9 of this policy. Testing in this  
286 circumstance would be performed under the direct authority of the  
287 \_\_\_\_\_. Since the employee self-referred to  
288 management, testing under this circumstance would not be  
289 considered a violation of this policy or a positive test result under  
290 Federal authority. However, self-referral does not exempt the  
291 covered employee from testing under Federal authority as specified  
292 in Sections L through N of this policy or the associated  
293 consequences as specified in Section Q.9.

294  
295  
296 M. POST-ACCIDENT TESTING

297  
298 All covered employees will be required to undergo urine and  
299 breath testing if they are involved in an accident with a transit  
300 revenue service vehicle regardless of whether or not the vehicle is  
301 in revenue service that results in a fatality. This includes all  
302 surviving covered employees that are operating the vehicle at the  
303 time of the accident and any other whose performance cannot be  
304 completely discounted as a contributing factor to the accident.

305  
306 In addition, a post-accident test will be conducted if an  
307 accident results in injuries requiring immediate transportation to a  
308 medical treatment facility; or one or more vehicles incurs disabling  
309 damage, unless the operators performance can be completely  
310 discounted as a contributing factor to the accident.



312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356

- (1) As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- (2) The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- (7) Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.
- (8) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- (9) Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to 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.
- (10) In the rare event that \_\_\_\_\_ is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), \_\_\_\_\_ may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the

357 employer must obtain the results in conformance with  
358 local law.

359

360 N. RANDOM TESTING

361

362 All covered employees will be subjected to random,  
363 unannounced testing. The selection of employees shall be made  
364 by a scientifically valid method of randomly generating an employee  
365 identifier from the appropriate pool of safety-sensitive employees.

366 (1) The dates for administering unannounced testing of  
367 randomly selected employees shall be spread  
368 reasonably throughout the calendar year, day of the  
369 week and hours of the day.

370 (2) The number of employees randomly selected for  
371 drug/alcohol testing during the calendar year shall be  
372 not less than the percentage rates established by  
373 Federal regulations for those safety-sensitive  
374 employees subject to random testing by Federal  
375 regulations. The current random testing rate for drugs  
376 established by FTA equals fifty percent of the number  
377 of covered employees in the pool and the random  
378 testing rate for alcohol established by FTA equals ten  
379 percent of the number of covered employees in the  
380 pool.

381 (3) Each covered employee shall be in a pool from which  
382 the random selection is made. Each covered  
383 employee in the pool shall have an equal chance of  
384 selection each time the selections are made.  
385 Employees will remain in the pool and subject to  
386 selection, whether or not the employee has been  
387 previously tested. There is no discretion on the part  
388 of management in the selection.

389 (4) Covered transit employees that fall under the Federal  
390 Transit Administration regulations will be included in  
391 one random pool maintained separately from the  
392 testing pool of employees that are included solely  
393 under \_\_\_\_\_ authority.

394 (5) Random tests can be conducted at any time during an  
395 employee's shift for drug testing. Alcohol random  
396 tests can be performed just before, during, or just  
397 after the performance of a safety sensitive duty.  
398 However, under the \_\_\_\_\_'s authority,  
399 a random alcohol test may be performed any time the  
400 covered employee is on duty. Testing can occur

**Random test pools can include any DOT covered employee. If you have both FTA and FMCSA covered employees, they can be in the same pool**

**Each employer defines a reasonable time for reporting for a random test**

401 during the beginning, middle, or end of an employee's  
402 shift.

403 (6) Employees are required to proceed immediately to  
404 the collection site upon notification of their random  
405 selection.

406

407 O. RETURN-TO-DUTY TESTING

408

409 All covered employees who previously tested positive on a drug  
410 or alcohol test or refused a test, must test negative for drugs,  
411 alcohol (below 0.02 for alcohol), or both and be evaluated and  
412 released by the Substance Abuse Professional before returning to  
413 work. For an initial positive drug test a Return-to-Duty drug test is  
414 required and an alcohol test is allowed. For an initial positive  
415 alcohol test a Return-to-Duty alcohol test is required and a drug test  
416 is allowed. Following the initial assessment, the SAP will  
417 recommend a course of rehabilitation unique to the individual. The  
418 SAP will recommend the return-to-duty test only when the  
419 employee has successfully completed the treatment requirement  
420 and is known to be drug- and alcohol-free and there is no undo  
421 concerns for public safety.

422

423 P. FOLLOW-UP TESTING

424

425 Covered employees will be required to undergo frequent,  
426 unannounced drug and/ oralcohol testing following their return-to-  
427 duty. The follow-up testing will be performed for a period of one to  
428 five years with a minimum of six tests to be performed the first year.  
429 The frequency and duration of the follow-up tests (beyond the  
430 minimums) will be determined by the SAP reflecting the SAP's  
431 assessment of the employee's unique situation and recovery  
432 progress. Follow-up testing should be frequent enough to deter  
433 and/or detect a relapse. Follow-up testing is separate and in  
434 addition to the random, post-accident, reasonable suspicion and  
435 return-to-duty testing.

436

437 Q. RESULT OF DRUG/ALCOHOL TEST

438

439 Any covered employee that has a verified positive drug or  
440 alcohol test will be removed from his/her safety-sensitive position,  
441 informed of educational and rehabilitation programs available, and  
442 referred to a Substance Abuse Professional (SAP) for assessment.  
443 No employee will be allowed to return to duty requiring the  
444 performance of safety-sensitive job functions without the approval  
445 of the SAP and the employer.

**If you are a zero tolerance company, restate so before this section**

Employers decide if you will retest a negative dilute result

446 A drug test with the result of negative dilute will/will not be  
447 retested.

448 A positive drug and/or alcohol test will also result in  
449 disciplinary action as specified herein.

450

451 (1) As soon as practicable after receiving notice of a  
452 verified positive drug test result, a confirmed alcohol  
453 test result, or a test refusal, the \_\_\_\_\_  
454 Drug and Alcohol Program Manager will contact the  
455 employee's supervisor to have the employee cease  
456 performing any safety-sensitive function.

457 (2) The employee shall be referred to a Substance Abuse  
458 Professional for an assessment. The SAP will  
459 evaluate each employee to determine what  
460 assistance, if any, the employee needs in resolving  
461 problems associated with prohibited drug use or  
462 alcohol misuse.

463 (3) Refusal to submit to a drug/alcohol test shall be  
464 considered a positive test result and a direct act of  
465 insubordination and shall result in termination. A test  
466 refusal includes the following circumstances.

467 (a) A covered employee who consumes alcohol within  
468 eight (8) hours following involvement in an  
469 accident without first having submitted to post-  
470 accident drug/alcohol tests.

471 (b) A covered employee who leaves the scene of an  
472 accident without a legitimate explanation prior to  
473 submission to drug/alcohol tests.

474 (c) A covered employee who provides false  
475 information in connection with a drug test.

476 (d) A covered employee who provides an insufficient  
477 volume of urine specimen or breath sample  
478 without a valid medical explanation. The medical  
479 evaluation shall take place within 5 days of the  
480 initial test attempt.

481 (e) A verbal or written declaration, obstructive  
482 behavior, or physical absence resulting in the  
483 inability to conduct the test within the specified  
484 time frame.

485 (f) A covered employee whose urine sample has  
486 been verified by the MRO as substitute or  
487 adulterated.

488 (g) A covered employee fails to appear for any test  
489 within a reasonable time, as determined by the

490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534

- employer, after being directed to do so by the employer
- (h) A covered employee fails to remain at the testing site until the testing process is complete;
  - (i) A covered employee fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations;
  - (j) A covered employee fails to permit the observation or monitoring of a specimen collection
  - (k) A covered employee fails or declines to take a second test the employer or collector has directed you to take;
  - (l) A covered employee 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 as part of the "shy bladder" or "shy lung" procedures
  - (m) A covered employee 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).
  - (n) Failure to sign Step 2 of the Alcohol Testing form

- (4) For the first instance of a verified positive test from a sample submitted as the result of a random, drug/alcohol test ( $\geq 0.04$  BAC), disciplinary action against the employee shall include:
- (a) Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - (b) Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from employment.
    - ◆ Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgement of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the

**If your policy is zero tolerance the underlined portion of this section must be removed.**

535 employee has agreed to periodic  
536 unannounced follow-up testing as defined  
537 in Section P of this policy;  
538 (c) Refusal to submit to a periodic unannounced  
539 follow-up drug/alcohol test shall be considered a  
540 direct act of insubordination and shall result in  
541 termination.  
542 (d) A periodic unannounced follow-up drug/alcohol  
543 test which results in a verified positive shall result  
544 in termination from  
545 employment.  
546 (5) The second instance of a verified positive drug or  
547 alcohol ( $\geq 0.04$  BAC) test result including a sample  
548 submitted under the random, reasonable suspicion,  
549 return-to-duty, or follow-up drug/alcohol test  
550 provisions herein shall result in termination from  
551 employment.  
552 (6) A verified positive post-accident, or reasonable  
553 suspicion drug and/or alcohol ( $\geq 0.04$ ) test shall result  
554 in termination.  
555 (7) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall  
556 result in the removal of the employee from duty for  
557 eight hours or the remainder or the work day  
558 whichever is longer. The employee will not be  
559 allowed to return to safety-sensitive duty for his/her  
560 next shift until he/she submits to an alcohol test with a  
561 result of less than 0.02 BAC. If the employee has an  
562 alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  two or more  
563 times within a six month period, the employee will be  
564 removed from duty and referred to the SAP for  
565 assessment and treatment consistent with Section  
566 Q.9 of this policy.  
567 (8) The cost of any treatment or rehabilitation services  
568 will be paid directly by the employee or their  
569 insurance provider. The employee will be permitted  
570 to take accrued sick leave or administrative leave to  
571 participate in the SAP prescribed treatment program.  
572 If the employee has insufficient accrued leave, the  
573 employee shall be placed on leave without pay until  
574 the SAP has determined that the employee has  
575 successfully completed the required treatment  
576 program and releases him/her to return-to-duty. Any  
577 leave taken, either paid or unpaid, shall be considered  
578 leave taken under the Family and Medical Leave Act.

579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621

- (9) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- (a) Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - (b) Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from employment.
    - ◆ Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgement of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy;
  - (c) Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
  - (d) A self-referral or management referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q.4-5 of this policy.
  - (e) Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q.4-5 of this policy.
  - (f) A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with \_\_\_\_\_.

622 (g) A Voluntary Referral does not shield an  
623 employee from the requirement to comply with  
624 drug and alcohol testing.

625 (10) Failure of an employee to report within five days a  
626 criminal drug statute conviction for a violation  
627 occurring in the workplace shall result in termination.

628  
629 R. GRIEVANCE AND APPEAL

630  
631 The consequences specified by 49 CFR Part 40.149 (c) for  
632 a positive test or test refusal are not subject to arbitration.

633  
634 S. PROPER APPLICATION OF THE POLICY

635  
636 \_\_\_\_\_ is dedicated to assuring fair and  
637 equitable application of this substance abuse policy. Therefore,  
638 supervisors/managers are required to use and apply all aspects of  
639 this policy in an unbiased and impartial manner. Any  
640 supervisor/manager who knowingly disregards the requirements of  
641 this policy, or who is found to deliberately misuse the policy in  
642 regard to subordinates, shall be subject to disciplinary action, up to  
643 and including termination.

644  
645 T. INFORMATION DISCLOSURE

646  
647 Drug/alcohol testing records shall be maintained by the  
648 \_\_\_\_\_ Drug and Alcohol Program Manager and,  
649 except as provided below or by law, the results of any drug/alcohol  
650 test shall not be disclosed without express written consent of the  
651 tested employee.

652  
653 (1) The employee, upon written request, is entitled to  
654 obtain copies of any records pertaining to their use of  
655 prohibited drugs or misuse of alcohol including any  
656 drug or alcohol testing records. Covered employees  
657 have the right to gain access to any pertinent records  
658 such as equipment calibration records, and records of  
659 laboratory certifications. Employees may not have  
660 access to SAP referrals and follow-up testing plans.

661 (2) Records of a verified positive drug/alcohol test result  
662 shall be released to the Drug and Alcohol Program  
663 Manager, Department Supervisor and Personnel  
664 Manager on a need to know basis.



- 665 (3) Records will be released to a subsequent employer  
666 only upon receipt of a written request from the  
667 employee.
- 668 (4) Records of an employee's drug/alcohol tests shall be  
669 released to the adjudicator in a grievance, lawsuit, or  
670 other proceeding initiated by or on behalf of the tested  
671 individual arising from the results of the drug/alcohol  
672 test. The records will be released to the decision  
673 maker in the preceding. The information will only be  
674 released with binding stipulation from the decision  
675 maker will make it available only to parties in the  
676 preceding. Records will be released to the National  
677 Transportation Safety Board during an accident  
678 investigation.
- 679 (5) Records will be released to the DOT or any DOT  
680 agency with regulatory authority over the employer or  
681 any of its employees.
- 682 (6) Records will be released if requested by a Federal,  
683 state or local safety agency with regulatory authority  
684 over \_\_\_\_\_ or the employee.
- 685 (7) If a party seeks a court order to release a specimen or  
686 part of a specimen contrary to any provision of Part  
687 40 as amended necessary legal steps to contest the  
688 issuance of the order will be taken.
- 689 (8) In cases of a contractor or sub-recipient of a state  
690 department of transportation, records will be released  
691 when requested by such agencies that must certify  
692 compliance with the regulation to the FTA.

693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715

U. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

\_\_\_\_\_ Drug and Alcohol Program Manager:

- Name:
- Title:
- Address:
- Telephone Number:

Medical Review Officer

- Name:
- Title:
- Address:
- Telephone Number:

716

717 Substance Abuse Professional

718

719 Name:

720 Title:

721 Address:

722 Telephone Number:

723

724 HHS Certified Laboratory Primary Specimen

725

726 Name:

727 Address:

728 Telephone Number:

729

730 HHS Certified Laboratory Split Specimen

731

732 Name:

733 Address:

734 Telephone Number:

735

736  
737  
738  
739  
740  
741

742 **This Policy was adopted by the** \_\_\_\_\_  
743 **on** \_\_\_\_\_, 2001.  
744 \_\_\_\_\_

745  
746  
747

748

**Attachment A**

749

750

**—Administration Covered Classifications**

751

Title

Testing Authority

753

754

**— Job Classifications**

755

Title

Testing Authority

756

757 **Attachment B**  
758 **Alcohol Fact Sheet**

759 **Alcohol is a socially acceptable drug that has been**  
760 **consumed throughout the world for centuries. It is considered**  
761 **a recreational beverage when consumed in moderation for**  
762 **enjoyment and relaxation during social gatherings. However,**  
763 **when consumed primarily for its physical and mood-altering**  
764 **effects, it is a substance of abuse. As a depressant, it slows**  
765 **down physical responses and progressively impairs mental**  
766 **functions.**  
767

768  
769 **Signs and Symptoms of Use**

- 770
- 771 . Dulled mental processes
- 772 . Lack of coordination
- 773 . Odor of alcohol on breath
- 774 . Possible constricted pupils
- 775 . Sleepy or stuporous condition
- 776 . Slowed reaction rate
- 777 . Slurred speech
- 778

779 (Note: Except for the odor, these are general signs and symptoms  
780 of any depressant substance.)

781  
782  **Health Effects**

783  
784 The chronic consumption of alcohol (average of three  
785 servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6  
786 ounce glass]) over time may result in the following health hazards:

- 787
- 788 . Decreased sexual functioning
- 789 . Dependency (up to 10 percent of all people who drink  
790 alcohol become physically and/or mentally dependent on  
791 alcohol and can be termed “alcoholic”)
- 792 . Fatal liver diseases
- 793 . Increased cancers of the mouth, tongue, pharynx,  
794 esophagus, rectum, breast, and malignant melanoma
- 795 . Kidney disease
- 796 . Pancreatitis
- 797 . Spontaneous abortion and neonatal mortality
- 798 . Ulcers
- 799 . Birth defects (up to 54 percent of all birth defects are  
800 alcohol related).
- 801

802    □    Social Issues

803

804    .    Two-thirds of all homicides are committed by people who  
805    .    drink prior to the crime.

806    .    Two to three percent of the driving population is legally  
807    .    drunk at any one time. This rate is doubled at night and  
808    .    on weekends.

809    .    Two-thirds of all Americans will be involved in an alcohol-  
810    .    related vehicle accident during their lifetimes.

811    .    The rate of separation and divorce in families with alcohol  
812    .    dependency problems is 7 times the average.

813    .    Forty percent of family court cases are alcohol problem  
814    .    related.

815    .    Alcoholics are 15 times more likely to commit suicide  
816    .    than are other segments of the population.

817    .    More than 60 percent of burns, 40 percent of falls, 69  
818    .    percent of boating accidents, and 76 percent of private  
819    .    aircraft accidents are alcohol related.

820

821    □    The Annual Toll

822

823    .    24,000 people will die on the highway due to the legally  
824    .    impaired driver.

825    .    12,000 more will die on the highway due to the alcohol-  
826    .    affected driver.

827    .    15,800 will die in non-highway accidents.

828    .    30,000 will die due to alcohol-caused liver disease.

829    .    10,000 will die due to alcohol-induced brain disease or  
830    .    suicide.

831    .    Up to another 125,000 will die due to alcohol-related  
832    .    conditions or accidents.

833

834    □    Workplace Issues

835

836    .    It takes one hour for the average person (150 pounds) to  
837    .    process one serving of an alcoholic beverage from the  
838    .    body.

839    .    Impairment in coordination and judgement can be  
840    .    objectively measured with as little as two drinks in the  
841    .    body.

842    .    A person who is legally intoxicated is 6 times more likely  
843    .    to have an accident than a sober person.

844

845

846

847  
848  
849

**Attachment C**  
Minimum Thresholds

INITIAL TEST CUTOFF LEVELS  
(ng/ml)

Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

850  
851  
852

CONFIRMATORY TEST  
CUT/OFF LEVELS (ng/ml)

Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

853  
854  
855  
856  
857



With Second Chance

Template Policy



Version



COMPANY NAME HERE

---

Policy Adopted on x/xx/2005, Policy Revised on x/xx/2007

# Drug and Alcohol Policy



COMPANY NAME

# Drug and Alcohol Policy

---

Company name  
12345 Main Street • Suite 100  
Phone 123.456.7890 • Fax 123.456.7890

---



# Table of Contents

Covered Employees .....	5
Contact Person .....	6
Prohibited Substances.....	6
Testing Procedure .....	6
Pre-employment Testing.....	6
Reasonable Suspicion Testing .....	7
Post-accident Testing.....	7
Random Testing.....	8
Test Refusal.....	9
Prohibited Conduct .....	9
Dilute Specimen.....	10
Split Sample.....	10
End of Shift Testing (this section is optional).....	10
Treatment / Discipline .....	11
Return to Duty Testing .....	11
Follow-up Testing .....	11
Voluntary Rehabilitation and Counseling (this section is optional).....	11
Prescription Drug Use (this section is optional).....	12
Drug Free Work Place Act of 1988 .....	12





## Purpose of Policy

**T**his policy complies with 49 CFR Part 655, as amended, and 49 CFR Part 40, as amended. All drug and alcohol testing is conducted in accordance with these regulations

All covered employees are required to submit to drug and alcohol tests as a condition of employment.

Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website <http://www.dot.gov/ost/dapc/index.html>.

## Covered Employees

This policy applies to every employee performing a "safety-sensitive function" as defined herein, and any person applying for such positions.

You are a safety-sensitive employee if you perform any of the following:

- Operation of a revenue service vehicle, in or out of revenue service
- Operation of a non-revenue vehicle requiring a CDL
- Controlling movement or dispatch of a revenue service vehicle (this is optional and determined by employer)
- Security personnel who carry firearms
- Maintenance (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used on revenue service.
- Contractor employees that stand in the shoes of Transit System employees also have to comply

Covered employee means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

See Attachment A for a list of covered positions by job title.

## Contact Person

List the identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

## Prohibited Substances

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine
- Alcohol

## Testing Procedure

All testing will be conducted as required in 49 C.F.R. Part 40, as amended.

## Pre-employment Testing

(Optional) Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

(Company policy decision - The employer has the discretion to decide whether or not the covered employee is retained in the random pool during his or her absence. If the employee is retained in the random pool, then pre-employment testing is not required.) A pre-employment test is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool, and plan to return to a safety-sensitive function.

When a covered employee or applicant has previously failed or refused a DOT pre-employment drug and/or alcohol test, the employee must provide proof of having successfully completed a referral, evaluation and treatment plan meeting DOT requirements.

## Reasonable Suspicion Testing

(Company Name) shall conduct a drug and/or alcohol test when (company name) has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

(Company Name) may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

If an alcohol test is not administered within two hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test.

## Post-accident Testing

Safety-sensitive employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

Fatal Accidents. As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employees. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Non-fatal Accidents. Post-accident testing is required if one of the following conditions is met,

- ❑ An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee contributed to the accident,
- or
- ❑ One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

If an alcohol test is not administered within two hours following the time of the accident, prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test. The drug test should be taken as soon as possible. Cease attempts to collect the drug test after 32-hours.

If the decision not to administer a drug and/or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered 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.

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year testing rates can be viewed on line at <http://www.dot.gov/ost/dapc/rates.html>. The 2007 FTA minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the average number of safety-sensitive employees.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

## Test Refusal

You have refused to take a test if you:

1. Fail to provide a breath or urine sample
2. Provide an insufficient volume without valid medical explanation
3. Adulterate or substitute a specimen
4. Fail to appear within a reasonable time
5. Leave the scene of an accident without just cause prior to submitting to a test
6. Leave the collection facility prior to test completion
7. Fail to permit an observed or monitored collection when required
8. Fail to take a second test when required
9. Fail to undergo a medical examination when required
10. Fail to cooperate with any part of the testing process
11. Fail to sign Step 2 of alcohol test form
12. Once test is underway, fail to remain at site and provide a specimen
13. Or the MRO verifies that you provided an adulterated/substituted sample.

For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal:

## Prohibited Conduct

- (1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 DFR Part 40, as amended.
- (2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee must take an alcohol test, if the covered employee claims ability to perform his or her safety-sensitive function.
- (3) (Company name) shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- (4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

- (5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

## Dilute Specimen

Negative dilute – (company decision needed here – to test or not to retest dilute negative test results) A negative dilute specimen does not require a retest. While §40.197(b) authorizes an employer to obtain one additional test following a negative dilute result (in pre-employment or other testing situations), a negative dilute test result is a valid negative test for DOT's purposes. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others. You may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations). You must treat the result of the second test as the test result of record.

Dilute negative results 2-5 mg/dl requires an immediate recollection under direct observation (see §40.155(c)).

## Split Sample

(Company Name) will guarantee that the cost for the split specimen test is covered in order for a timely analysis of the sample however; the employee is required to pay for the split sample test. (Company needs to decide if employees will be required to pay for the test. Some companies will pay for the test if the split specimen test result is negative; otherwise, the employee pays)

## End of Shift Testing (this section is optional)

(optional) Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or childcare commitments, for the period immediately following an employee's shift, must be provided at least (company decides how far in advance they must be notified) hours before the end of the employee's shift.

## Treatment / Discipline

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and (insert transit system's disciplinary policy.)

Following a BAC of 0.02 or greater, but less than 0.04 – the employee is immediately removed from safety sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration of less than 0.02.

## Return to Duty Testing

Any employee who is allowed to return to duty after a refusal to submit to a test or failing an alcohol and/or drug test, must first be evaluated by a substance abuse professional (SAP), and provide a negative drug, alcohol (or both) test result.

## Follow-up Testing

Employees returning to duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for a period of 1 to 5 years as determined by the SAP. All testing will be conducted in accordance with Part 40, subpart O. (Company needs to decide who pays for rehabilitation services and if employee can use sick leave or annual leave during the rehabilitation program)

## Voluntary Rehabilitation and Counseling (this section is optional)

This section will not apply to any employee who tests positive through the testing program. The employee must voluntarily seek treatment through this section prior to being notified of a pending drug and/or alcohol test or involved in a situation that requires a reasonable suspicion or post-accident FTA drug and/or alcohol test.

(Insert transit system's name) offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of its benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or controlled substance dependence. Any voluntary request by an employee for assistance with his/her own alcohol and/or controlled substance dependency will remain as confidential as possible and shall not be used, in itself, as a basis for disciplinary action.

The costs of the visits with the SAP shall be borne by the (transit system decides who is going to pay for treatment and the leave policy) The employee may use any available accumulated leave in accordance with leave policies in order to participate in extended counseling and/or rehabilitation. If the employee requests that the purpose of the leave not be disclosed to his/her immediate supervisor, the department head shall maintain confidentiality regarding the reason for the leave.

## Prescription Drug Use (this section is optional)

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employees to remove themselves from service if they are unfit for duty.

Pursuant to company authority, employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-

sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician.

Pursuant to company authority, failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

## Drug Free Work Place Act of 1988

In accordance with the Drug Free Work Place Act of 1988, an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify (insert who you want notified - the Personnel Office, the DER?) no later than five days after such conviction.



‘Release of Information Form—49 CFR Part 40 Drug and Alcohol Testing’

**Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:**

Employee Printed or Typed Name: \_\_\_\_\_

Employee SS or ID Number: \_\_\_\_\_

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in *Section I-B*, to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II-A* by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I-A.**

New Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Designated Employer Representative: \_\_\_\_\_

**I-B.**

Previous Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Designated Employer Representative (if known): \_\_\_\_\_

**Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:**

**II-A.** In the two years prior to the date of the employee’s signature (in Section I), for DOT-regulated testing ~

1. Did the employee have alcohol tests with a result of 0.04 or higher?    **YES** \_\_\_ **NO** \_\_\_
2. Did the employee have verified positive drug tests?    **YES** \_\_\_ **NO** \_\_\_
3. Did the employee refuse to be tested?    **YES** \_\_\_ **NO** \_\_\_
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations?    **YES** \_\_\_ **NO** \_\_\_
5. Did a previous employer report a drug and alcohol rule violation to you?    **YES** \_\_\_ **NO** \_\_\_
6. If you answered “yes” to any of the above items, did the employee complete the return-to-duty process?    **N/A** \_\_\_ **YES** \_\_\_ **NO** \_\_\_

*NOTE: If you answered “yes” to item 5, you must provide the previous employer’s report. If you answered “yes” to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).*

**II-B.**

Name of person providing information in *Section II-A*: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_

## Employee Receipt of Policy

Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ID Job  
Number: \_\_\_\_\_ title: \_\_\_\_\_

—

Attached is a copy of the Drug and Alcohol Policy, dated \_\_\_\_\_.  
Your signature below certifies that you have received a copy of the policy. Please  
sign and return this form to \_\_\_\_\_. Please contact \_\_\_\_\_ at xxx-  
xxx-xxxx if you have any questions.



Attachment A  
Covered positions by job title

# Index

## 9

90 consecutive calendar days, 5

## A

Alcohol, 5  
Alcohol - when can you test employees, 6  
Amphetamines, 5  
Attachment A, 16

## B

BAC at or above 0.04, 10  
BAC of 0.02 or greater, but less than 0.04, 10

## C

Cocaine, 5  
Consequences, 10  
Contact person, 5  
Covered employees, 4  
Covered positions by job title, 16

## D

Dilute specimen, 9  
Disabling damage, 7  
Discipline, 10  
Drug Free Work Place Act of 1988, 11

## E

END OF SHIFT TESTING, 10

## F

Fatal accidents, 6  
Follow-up Testing, 10

## H

Headlights, 7  
Horn, 7

## M

Marijuana, 5

## N

Non-fatal accidents, 6

## O

On-call employees, 9  
Opiates, 5

## P

Phencyclidine, 5  
Post-accident testing, 6  
Pre-employment alcohol tests, 5  
Pre-employment testing, 5  
Prescription drug use, 11  
Previous employer record check, 13  
Prohibited conduct, 9  
Prohibited substances, 5

## R

Random testing, 7  
Reasonable suspicion testing, 6  
Receipt of policy, 15  
Return to duty testing, 10

## S

Split sample, 10

## T

Tail lights, 7  
Test refusal, 8  
Testing procedure, 5  
Testing rates, 7  
Tire disablement, 7  
Treatment, 10  
Turn signals, 7

## V

Voluntary rehabilitation and counseling, 11

## W

Windshield wipers, 7

No Second Chance

Template Policy





Version



COMPANY NAME HERE

---

Policy Adopted on x/xx/2005, Policy Revised on x/xx/2007

# Drug and Alcohol Policy



COMPANY NAME

# Drug and Alcohol Policy

---

Company name  
12345 Main Street • Suite 100  
Phone 123.456.7890 • Fax 123.456.7890

---



# Table of Contents

Covered Employees .....	5
Contact Person .....	6
Prohibited Substances.....	6
Testing Procedure .....	6
Pre-employment Testing.....	6
Reasonable Suspicion Testing .....	6
Post-accident Testing.....	7
Random Testing.....	8
End of Shift Testing (this section is optional).....	9
Test Refusal.....	9
Prohibited Conduct .....	9
Consequences .....	10
Dilute Specimen.....	10
Split Sample.....	10
Zero Tolerance .....	11
Voluntary Rehabilitation and Counseling (this section is optional).....	11
Prescription Drug Use (this section is optional).....	11
Drug Free Work Place Act of 1988 .....	12

---



## Purpose of Policy

**T**his policy complies with 49 CFR Part 655, as amended, and 49 CFR Part 40, as amended. All drug and alcohol testing is conducted in accordance with these regulations

All covered employees are required to submit to drug and alcohol tests as a condition of employment.

Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website <http://www.dot.gov/ost/dapc/index.html>.

## Covered Employees

This policy applies to every employee performing a "safety-sensitive function" as defined herein, and any person applying for such positions.

You are a safety-sensitive employee if you perform any of the following:

- Operation of a revenue service vehicle, in or out of revenue service
- Operation of a non-revenue vehicle requiring a CDL
- Controlling movement or dispatch of a revenue service vehicle (this is optional and determined by employer)
- Security personnel who carry firearms
- Maintenance (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used on revenue service.
- Contractor employees that stand in the shoes of Transit System employees also have to comply

Covered employee means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

See Attachment A for a list of covered positions by job title.

## Contact Person

List the identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

## Prohibited Substances

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine
- Alcohol

## Testing Procedure

All testing will be conducted as required in 49 C.F.R. Part 40, as amended.

## Pre-employment Testing

(Alcohol pre-employment testing is optional) Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

(Company policy decision - The employer has the discretion to decide whether or not the covered employee is retained in the random pool during his or her absence. If the employee is retained in the random pool, then pre-employment testing is not required.) A pre-employment test is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool, and plan to return to a safety-sensitive function.

When a covered employee or applicant has previously failed or refused a DOT pre-employment drug and/or alcohol test, the employee must provide proof of having successfully completed a referral, evaluation and treatment plan meeting DOT requirements.

## Reasonable Suspicion Testing

(Company Name) shall conduct a drug and/or alcohol test when (company name) has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.



The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

(Company Name) may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

If an alcohol test is not administered within two hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test.

## Post-accident Testing

Safety-sensitive employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

Fatal Accidents. As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employees. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Non-fatal Accidents. Post-accident testing is required if one of the following conditions is met,

- ❑ An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee contributed to the accident,
- or
- ❑ One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

If an alcohol test is not administered within two hours following the time of the accident, prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test. The drug test should be taken as soon as possible. Cease attempts to collect the drug test after 32-hours.

If the decision not to administer a drug and/or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered 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.

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year testing rates can be viewed on line at <http://www.dot.gov/ost/dapc/rates.html>. The 2007 FTA minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the average number of safety-sensitive employees.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

## End of Shift Testing (this section is optional)

(optional) Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or childcare commitments, for the period immediately following an employee's shift, must be provided at least (company decides how far in advance they must be notified) hours before the end of the employee's shift.

## Test Refusal

You have refused to take a test if you:

1. Fail to provide a breath or urine sample
2. Provide an insufficient volume without valid medical explanation
3. Adulterate or substitute a specimen
4. Fail to appear within a reasonable time
5. Leave the scene of an accident without just cause prior to submitting to a test
6. Leave the collection facility prior to test completion
7. Fail to permit an observed or monitored collection when required
8. Fail to take a second test when required
9. Fail to undergo a medical examination when required
10. Fail to cooperate with any part of the testing process
11. Fail to sign Step 2 of alcohol test form
12. Once test is underway, fail to remain at site and provide a specimen
13. Or the MRO verifies that you provided an adulterated/substituted sample.

For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal:

## Prohibited Conduct

- (1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 DFR Part 40, as amended.

- (2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee must take an alcohol test, if the covered employee claims ability to perform his or her safety-sensitive function.
- (3) (Company name) shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- (4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- (5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

## Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and terminated from employment.

Following a BAC of 0.02 or greater, but less than 0.04 – the employee is immediately removed from safety sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration of less than 0.02.

## Dilute Specimen

Negative dilute – (company decision needed here – to test or not to retest dilute negative test results) A negative dilute specimen does not require a retest. While §40.197(b) authorizes an employer to obtain one additional test following a negative dilute result (in pre-employment or other testing situations), a negative dilute test result is a valid negative test for DOT's purposes. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others. You may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations). You must treat the result of the second test as the test result of record.

Dilute negative results 2-5 mg/dl requires an immediate recollection under direct observation (see §40.155(c)).

## Split Sample

(Company Name) will guarantee that the cost for the split specimen test is covered in order for a timely analysis of the sample however; the employee is required to pay for the split sample test.

(Company needs to decide if employees will be required to pay for the test. Some companies will pay for the test if the split specimen test result is negative; otherwise, the employee pays)

## Zero Tolerance

Per company policy, any employee who tests positive for drugs and/or alcohol or refuses to test will be referred to a SAP and terminated from employment.

## Employee admission of alcohol and controlled substances use. (this section is optional)

This section will not apply to any employee who tests positive through the testing program. The employee must voluntarily seek treatment through this section prior to being notified of a pending drug and/or alcohol test or being involved in a situation that requires a reasonable suspicion or post-accident FTA drug and/or alcohol test. The employee cannot self-identify in order to avoid testing.

(Insert transit system's name) offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of its benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or controlled substance dependence. Any voluntary request by an employee for assistance with his/her own alcohol and/or controlled substance dependency will remain as confidential as possible and shall not be used, in itself, as a basis for disciplinary action.

The costs of the visits with the SAP shall be borne by the (transit system decides who is going to pay for treatment and the leave policy) The employee may use any available accumulated leave in accordance with leave policies in order to participate in extended counseling and/or rehabilitation. If the employee requests that the purpose of the leave not be disclosed to his/her immediate supervisor, the department head shall maintain confidentiality regarding the reason for the leave.

## Prescription Drug Use (this section is optional)

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employees to remove themselves from service if they are unfit for duty.

Pursuant to company authority, employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician.

Pursuant to company authority, failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

## Drug Free Work Place Act of 1988

In accordance with the Drug Free Work Place Act of 1988, an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify (insert who you want notified - the Personnel Office, the DER?) no later than five days after such conviction.

‘Release of Information Form—49 CFR Part 40 Drug and Alcohol Testing’

**Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:**

Employee Printed or Typed Name: \_\_\_\_\_

Employee SS or ID Number: \_\_\_\_\_

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in *Section I-B*, to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II-A* by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I-A.**

New Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Designated Employer Representative: \_\_\_\_\_

**I-B.**

Previous Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Designated Employer Representative (if known): \_\_\_\_\_

**Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:**

**II-A.** In the two years prior to the date of the employee’s signature (in Section I), for DOT-regulated testing ~

1. Did the employee have alcohol tests with a result of 0.04 or higher?    YES \_\_\_ NO \_\_\_
2. Did the employee have verified positive drug tests?    YES \_\_\_ NO \_\_\_
3. Did the employee refuse to be tested?    YES \_\_\_ NO \_\_\_
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations?    YES \_\_\_ NO \_\_\_
5. Did a previous employer report a drug and alcohol rule violation to you?    YES \_\_\_ NO \_\_\_
6. If you answered “yes” to any of the above items, did the employee complete the return-to-duty process?    N/A \_\_\_ YES \_\_\_ NO \_\_\_

*NOTE: If you answered “yes” to item 5, you must provide the previous employer’s report. If you answered “yes” to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).*

**II-B.**

Name of person providing information in *Section II-A*: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_



## Employee Receipt of Policy

Name: \_\_\_\_\_ Date: \_\_\_\_\_

ID Number: \_\_\_\_\_ Job title: \_\_\_\_\_

Attached is a copy of the Drug and Alcohol Policy, dated \_\_\_\_\_.  
Your signature below certifies that you have received a copy of the policy. Please  
sign and return this form to \_\_\_\_\_. Please contact \_\_\_\_\_ at xxx-  
xxx-xxxx if you have any questions.



Attachment A  
Covered positions by job title

# Index

## 9

90 consecutive calendar days, 5

## A

Alcohol, 5  
Alcohol - when can you test employees, 6  
Amphetamines, 5  
Attachment A, 15

## B

BAC at or above 0.04, 10  
BAC of 0.02 or greater, but less than 0.04, 10

## C

Cocaine, 5  
Consequences, 10  
Contact person, 5  
Covered employees, 4  
Covered positions by job title, 15

## D

Dilute specimen, 10  
Disabling damage, 7  
Drug Free Work Place Act of 1988, 11

## E

End of shift testing, 8

## F

Fatal accidents, 6

## H

Headlights, 7  
Horn, 7

## M

Marijuana, 5

## N

Non-fatal accidents, 6

## O

On-call employees, 9  
Opiates, 5

## P

Phencyclidine, 5  
Post-accident testing, 6  
Pre-employment alcohol tests, 5  
Pre-employment testing, 5  
Prescription drug use, 11  
Previous employer record check, 12  
Prohibited conduct, 9  
Prohibited substances, 5

## R

Random testing, 7  
Reasonable suspicion testing, 6  
Receipt of policy, 14

## S

Split sample, 10

## T

Tail lights, 7  
Test refusal, 8  
Testing procedure, 5  
Testing rates, 7  
Tire disablement, 7  
Turn signals, 7

## V

Voluntary rehabilitation and counseling, 10

## W

Windshield wipers, 7

## Z

Zero Tolerance, 10

FTA and FMCSA

Template Policy



Version



COMPANY NAME HERE

---

Policy Adopted on x/xx/2005, Policy Revised on x/xx/2007

# Drug and Alcohol Policy





COMPANY NAME

# Drug and Alcohol Policy

---

Company name  
12345 Main Street • Suite 100  
Phone 123.456.7890 • Fax 123.456.7890

---



# Table of Contents

Covered Employees	1
Contact Person	2
Prohibited Substances	2
Testing Procedure	3
Pre-Employment Testing	3
Reasonable Suspicion Testing	4
Post-Accident Testing- FMCSA	4
Post-Accident Testing - FTA	6
Random Testing	7
Test Refusal	8
Consequences	9
Dilute Samples	10
Split Sample	10
Zero Tolerance (if no second chance)	10
(if company has a second chance policy)	
Return to Duty Testing	10
(if company has a second chance policy)	
Follow-Up Testing	10
Employee admission of alcohol and controlled substances use.	11

---



## Purpose of Policy

**T**his policy complies with 49 CFR Part 655, as amended, 49 CFR Part 40, as amended, and 49 CFR Part 382, as amended. All drug and alcohol testing is conducted in accordance with these regulations.

All covered employees are required to submit to drug and alcohol tests as a condition of employment.

Copies of Parts 382, 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website <http://www.dot.gov/ost/dapc/index.html>.

## Covered Employees

This policy applies to every employee whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined herein, and any person applying for such positions.

Under FMCSA, an employee is performing a safety sensitive function if they are:

- ❑ Driving a commercial motor vehicle which requires the driver to have a commercial driver's license (CDL)
- ❑ Inspecting, servicing, or repairing any commercial motor vehicle
- ❑ Waiting to be dispatched to operate a commercial motor vehicle
- ❑ Performing all other functions in or upon a commercial motor vehicle
- ❑ Loading or unloading a commercial motor 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 being loaded or unloaded

- ❑ Performing driver requirements associated with an accident
- ❑ Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle

Under FTA, you are a safety-sensitive employee if you perform any of the following:

- ❑ Operation of a revenue service vehicle, in or out of revenue service
- ❑ Operation of a non-revenue vehicle requiring a CDL
- ❑ Controlling movement or dispatch of a revenue service vehicle (this is optional and determined by employer)
- ❑ Security personnel who carry firearms
- ❑ Maintenance (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used on revenue service.
- ❑ Contractor employees that stand in the shoes of Transit System employees also have to comply

Covered employee means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

See Attachment A for a list of covered positions by job title.

## Contact Person

List the identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

## Prohibited Substances

- ❑ Marijuana
- ❑ Cocaine
- ❑ Amphetamines
- ❑ Opiates

- ❑ Phencyclidine
- ❑ Alcohol

## Testing Procedure

All testing will be conducted as required in 49 C.F.R. Part 40, as amended.

## Pre-Employment Testing

(Optional) Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

**FTA Procedures:** A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

(Company policy decision - The employer has the discretion to decide whether or not the covered employee is retained in the random pool during his or her absence. If the employee is retained in the random pool, then pre-employment testing is not required.) A pre-employment test is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool, and plan to return to a safety-sensitive function.

When a covered employee or applicant has previously failed or refused a DOT pre-employment drug and/or alcohol test, the employee must provide proof of having successfully completed a referral, evaluation and treatment plan meeting DOT requirements.

**FMCSA Procedures:** A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

An employer is not required to administer a pre-employment controlled substances test if:

- (1) The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and
- (2) While participating in that program, either:
  - (i) Was tested for controlled substances within the past 6 months (from the date of application with the employer), or
  - (ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer); and

(3) The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

## Reasonable Suspicion Testing

(Company Name) shall conduct a drug and/or alcohol test when (company name) has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

(Company Name) may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

If an alcohol test is not administered within two hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test.

***FMCSA Procedures:*** A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

## Post-Accident Testing- FMCSA

***FMCSA Procedures:*** The following FMCSA-covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or



(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted

Type of Accident Involved.	Citation issued to Commercial Motor Vehicle Driver?	Alcohol and controlled substance test required.
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury and immediate medical treatment away from the scene.	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

1. If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not properly administered. If a test is not administered within eight (8) hours after the accident, the supervisor shall cease

attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within said eight (8) hours.

2. If a post-accident controlled substances test is not administered within 32 hours of the accident, the supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said 32 hours.
3. An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.

## Post-Accident Testing - FTA

***FTA Procedures:*** The following FTA-covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

**Fatal Accidents.** As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employees. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

**Non-Fatal Accidents.** Post-accident testing is required if one of the following conditions is met,

- ❑ An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee contributed to the accident,
- or
- ❑ One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs.

Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

If an alcohol test is not administered within two hours following the time of the accident, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test. The drug test should be taken as soon as possible. Cease attempts to collect the drug test after 32-hours.

If the decision not to administer a drug and/or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered 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.

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year testing rates can be viewed on line at <http://www.dot.gov/ost/dapc/rates.html>. The 2007 FMCSA minimum testing requirement is to annually perform drug tests on 50% and alcohol tests on 10% of the average number of driver positions. The 2007 FTA minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the average number of safety-sensitive employees. If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the same employer, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

## Test Refusal

You have refused to take a test if you:

1. Fail to provide a breath or urine sample
2. Provide an insufficient volume without valid medical explanation
3. Adulterate or substitute a specimen
4. Fail to appear within a reasonable time
5. Leave the scene of an accident without just cause prior to submitting to a test
6. Leave the collection facility prior to test completion
7. Fail to permit an observed or monitored collection when required
8. Fail to take a second test when required
9. Fail to undergo a medical examination when required
10. Fail to cooperate with any part of the testing process
11. Fail to sign Step 2 of alcohol test form
12. Once test is underway, fail to remain at site and provide a specimen
13. Or the MRO verifies that you provided an adulterated/substituted sample.

For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal:

## Prohibited Conduct

- (1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 DFR Part 40, as amended.
- (2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee must take an alcohol test, if the covered employee claims ability to perform his or her safety-sensitive function.
- (3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- (4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- (5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

## Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and (insert transit system disciplinary policy.)

***FTA Procedures:*** Following a BAC of 0.02 or greater, but less than 0.04 – the employee is immediately removed from safety sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration of less than 0.02.

***FMCSA Procedures:*** Following a BAC of 0.02 or greater, but less than 0.04 – the employee is immediately removed from safety sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

## Dilute Samples

Negative dilute – (company decision needed here – to test or not to retest dilute negative test results) A negative dilute specimen does not require a retest. While §40.197(b) authorizes an employer to obtain one additional test following a negative dilute result (in pre-employment or other testing situations), a negative dilute test result is a valid negative test for DOT's purposes. You must treat all employees the same for this purpose. For example, you must not retest some employees and not others. You may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations). You must treat the result of the second test as the test result of record.

Dilute negative results 2-5 mg/dl requires an immediate recollection under direct observation (see §40.155(c)).

## Split Sample

(Company Name) will guarantee that the cost for the split specimen test is covered in order for a timely analysis of the sample however; the employee is required to pay for the split sample test.

## Zero Tolerance (if no second chance)

Per company policy, any employee who tests positive for drugs and/or alcohol or refuses to test will be referred to a SAP and terminated from employment.

## (if company has a second chance policy) Return to Duty Testing

Any employee who is allowed to return to duty after a refusal to submit to a test or failing an alcohol and/or drug test, must first be evaluated by a substance abuse professional (SAP), and provide a negative drug, alcohol (or both) test result.

## (if company has a second chance policy) Follow-Up Testing

Employees returning to duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for a period of 1 to 5 years as determined by the SAP. All testing will be conducted in accordance with Part 40, subpart O. (Company needs to decide who pays for rehabilitation services and if employee can use sick leave or annual leave during the rehabilitation program)

## Employee admission of alcohol and controlled substances use.

**FMCSA Procedures:** (a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of part 382 and part 40, provided that:

(a)(1) The admission is in accordance with a written employer- established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;

(a)(2) The driver does not self-identify in order to avoid testing

(a)(3) The driver 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

(a)(4) The driver does not perform a safety sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:

(b)(1) It must prohibit the employer from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;

(b)(2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;

(b)(3) It must permit the employee to return to safety sensitive duties only upon successful completion of an 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;

(b)(4) It must ensure that:

(b)(4)(i) 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 (b)(4)(ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and

(b)(5) It may incorporate employee monitoring and include non-DOT follow-up testing.

(b)(4)(ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and

(b)(5) It may incorporate employee monitoring and include non-DOT follow-up testing.

## Prescription Drug Use (this section is optional)

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employees to remove themselves from service if they are unfit for duty.

Pursuant to company authority, employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician.

Pursuant to company authority, failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

## Drug Free Work Place Act of 1988

In accordance with the Drug Free Work Place Act of 1988, an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify (insert who you want notified - the Personnel Office, the DER?) no later than five days after such conviction.



‘Release of Information Form—49CFR Part 40 Drug and Alcohol Testing’

**Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:**

Employee Printed or Typed Name: \_\_\_\_\_

Employee SS or ID Number: \_\_\_\_\_

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in *Section I-B*, to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II-A* by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I-A.**

New Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Designated Employer Representative: \_\_\_\_\_

**I-B.**

Previous Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Designated Employer Representative (if known): \_\_\_\_\_

**Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:**

**II-A.** In the two years prior to the date of the employee’s signature (in Section I), for DOT-regulated testing ~

1. Did the employee have alcohol tests with a result of 0.04 or higher?    YES \_\_\_ NO \_\_\_
2. Did the employee have verified positive drug tests?    YES \_\_\_ NO \_\_\_
3. Did the employee refuse to be tested?    YES \_\_\_ NO \_\_\_
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations?    YES \_\_\_ NO \_\_\_
5. Did a previous employer report a drug and alcohol rule violation to you?    YES \_\_\_ NO \_\_\_
6. If you answered “yes” to any of the above items, did the employee complete the return-to-duty process?    N/A \_\_\_ YES \_\_\_ NO \_\_\_

*NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).*

**II-B.**

Name of person providing information in *Section II-A*: \_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_

## Employee Receipt of Policy

Name: \_\_\_\_\_ Date: \_\_\_\_\_

ID Number: \_\_\_\_\_ Job title: \_\_\_\_\_

Attached is a copy of the Drug and Alcohol Policy, dated \_\_\_\_\_. Your signature below certifies that you have received a copy of the policy. Please sign and return this form to \_\_\_\_\_. Please contact \_\_\_\_\_ at xxx-xxx-xxxx if you have any questions.



Attachment A  
Covered positions by job title



# Index

## 9

90 consecutive calendar days, 3

## A

Alcohol, 3  
alcohol - when can you test employees, 4  
Amphetamines, 2  
Attachment A, 16

## C

Citation issued, 5  
Cocaine, 2  
Contact Person, 2  
Covered employee, 2  
Covered Employees, 1  
Covered positions by job title, 16

## D

Dilute Samples, 10  
Disabling damage, 6  
Disabling damage - FMCSA, 5

## F

Fatal accident - FMCSA, 5  
Fatal Accidents - FTA, 6  
FMCSA pre-employment drug test, 3  
Follow-Up Testing, 10  
FTA pre-employment drug test, 3

## M

Marijuana, 2

## N

Non-Fatal Accidents - FTA, 6

## O

on-call, 9  
Opiates, 2

## P

Phencyclidine, 3  
Post-Accident Testing - FTA, 6  
Post-Accident Testing- FMCSA, 4  
Pre-employment alcohol tests, 3  
Pre-Employment Testing, 3  
**previous employer record check**, 13  
Prohibited Conduct, 9  
Prohibited Substances, 2

## R

Random Testing, 7  
Reasonable Suspicion Testing - FTA, 4  
Reasonable suspicion testing - FMCSA, 4  
Return to Duty Testing, 10

## S

Split Sample, 10

## T

Test Refusal, 8  
Testing Procedure, 3  
Testing rates, 7

