

## Detailed instructions For Using the Policy Builder Tool

Use this guide for more detailed instructions on completing each section of the Policy Builder Tool. It is a good idea to print this document first so that you can use as it reference as you move throughout each section of the tool.

For best results, you should build your policy in one session because no information you provide while using the Policy Builder is saved or stored in any way.

### Section 1

#### 1. **Company Info: What is the name of your organization?**

Enter your employer name in the field provided. You will not be able to continue to the next section without completing this step. The employer name you type will be used throughout the policy, so make sure that it is entered correctly.



When done, click  to move to Section 2.

### Section 2

#### 2. **Purpose: Are all of your employees subject to the Drug-Free Workplace Act of 1998?**

The Drug-Free Workplace Act of 1988 (41 U.S.C. 81) is an act of the United States which requires some Federal contractors and all Federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency.

If this provision applies to your organization, click the box to select that “All employees (including non-safety sensitive employees) at my organization are subject to the provisions of the Drug-Free Workplace Act of 1998. (See image on the next page.) If this provision does not apply, do not select the box and leave it blank.

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[Purpose](#)  
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[Additional](#)  
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## Are all your employees subject to the Drug-Free Workplace Act?

All employees (including non-safety sensitive employees) at my organization are subject to the provisions of the Drug-Free Workplace act of 1998.

Click here if the Drug-Free Workplace Act applies.

Click  to move to Section 3.

### Section 3

#### 3. Policy Coverage: Who will be covered by your policy?

##### Volunteers:

Section 655.4 provides the circumstances under which volunteers are required to be covered under the anti-drug and misuse policy. Volunteers are covered employees (subject to FTA drug and alcohol regulations) if they are required to hold a CDL to operate the vehicle or if they perform a safety-sensitive function and receive remuneration in excess of actual expenses incurred.

If your organization uses volunteers that meet one or both of these criteria, click the first box to select it this provision. If your organization does not use volunteers that meet these criteria, leave the first box blank.

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## Who will be covered by your policy?

My organization uses volunteers that are required to have a CDL to operate a vehicle, or perform a safety-sensitive function and receive remuneration in excess of actual expenses incurred.

My organization uses rail cars, trolley cars or buses, or vessels.

Click here you use volunteers that meet the criteria.

## Types of Public Transportation Vehicles

Section 655.4 also 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 operation.*

The fourth criterion only needs to be included in the policy if it would apply to your organization. If your organization uses rail cars, trolley cars, trolley buses, or vessels, click the second check box to select to include this provision.

If your organization does not use rail cars, trolley cars, trolley buses, or vessels, do not select the second box.

The screenshot shows a web form with a sidebar menu on the left containing the following items: [Company Info](#), [Purpose](#), [Policy Coverage](#), [Consequences](#), [Pre-Employment](#), [Negative Dilute](#), [Additional](#), and [Finish](#). The main content area is titled "Who will be covered by your policy?" and contains two checkboxes. The first checkbox is unchecked and is followed by the text: "My organization uses volunteers that are required to have a CDL to operate a vehicle, or perform a safety-sensitive function and receive remuneration in excess of actual expenses incurred." The second checkbox is checked and is followed by the text: "My organization uses rail cars, trolley cars or buses, or vessels." Below the checkboxes are two buttons: "Previous" and "Next". A red arrow points from a callout box to the second checkbox.

Click here your fleet includes rail cars, trolley cars, trolley buses, or vessels.

Depending on which provisions apply to your organization, it is possible to select both check boxes, only one check box, or to leave both checkboxes unselected.

After choosing any applicable provisions, click [Next](#) to move to Section 4.

## **Section 4**

### **4. Consequences: If a covered employee tests positive or refuses a test, what is the consequence?**

Section 655.15 (h) states that *an employer's policy must include the consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.*

The drug and alcohol testing regulations (49 CFR Parts 40 and 655) allow each transit system to decide whether a zero-tolerance or second-chance policy is adopted. This stance must be clearly identified in the policy.

Select one of the two options given, depending on your organization's policy.

The screenshot shows a web form titled "If a covered employee tests positive or refuses a test, what is the consequence?". On the left is a navigation menu with links: Company Info, Purpose, Policy Coverage, Consequences, Pre-Employment, Negative Dilute, Additional, and Finish. The "Consequences" link is highlighted. The main content area has two radio button options: "The employee is terminated. (Zero Tolerance)" and "The employee is allowed to remain employed and to return pending the fulfillment of an evaluation by a SAP, the completion of the SAP's prescribed treatment, and the receipt of a negative return-to-duty test and placement into a follow-up testing program. (Second Chance)". Below the options are "Previous" and "Next" buttons. Two red callout boxes with jagged edges point to the radio buttons. The first callout says "Click here for a Zero-Tolerance policy." and points to the first radio button. The second callout says "Click here for a Second-Chance policy." and points to the second radio button. The word "OR" is placed between the two callout boxes.

You must select one. Then click [Next](#) to move to Section 5.

## **Section 5**

### **5. Pre-Employment: Must all applicants for safety-sensitive positions take a pre-employment alcohol test?**

Employers are not required, but may conduct pre-employment alcohol testing, as long as it is administered in accordance with the requirements of section 655.42.

If your organization conducts FTA pre-employment alcohol testing, check the box to select this provision. If FTA pre-employment alcohol tests are not conducted, leave this box blank.

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## Must all applicants for safety-sensitive positions take a pre-employment alcohol test?

All applicants will be subject to pre-employment alcohol tests.

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Click here if all applicants must pass a pre-employment test before beginning safety-sensitive functions.

Click [Next](#) to move to Section 6.

## **Section 6**

### **6. Negative Dilute: What happens if a drug test has a negative-dilute result?**

Section 40.197(b) states that *as an employer, if the MRO informs you that a negative test was dilute, you must take the following action:*

- 1. If the MRO directs you to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see §40.155(c)), you must do so immediately.*
- 2. Otherwise (i.e., if the creatinine concentration of the dilute specimen is greater than 5 mg/dL), you may, but are not required to, direct the employee to take another test immediately.*

In cases where the MRO does not explicitly direct a recollection under direct observation, a negative-dilute is considered a negative result for DOT purposes. However, since section 40.197(b) authorizes the employer to obtain one additional test following a negative-dilute result, your decision to do so (or not) must be included in your policy.

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).

In this section of the Policy Builder, select one of the three radio buttons to identify your organization's actions in response to a negative-dilute result.

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[Purpose](#)  
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### What happens if a drug test has a negative-dilute result?

- A negative dilute result is a valid negative test, and does not require a retest.
- A negative-dilute test result requires a second test in all situations.
- A negative-dilute test result requires a second test in certain situations.

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Choose one of these three options to indicate your organization's policy on a retest after a negative-dilute result.

If you select the third option, you will then be asked to select the test types in which a negative-dilute result will result in a retest. In this case, you may click as many test types as you would like, but you must select at least one test type to continue.

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### What happens if a drug test has a negative-dilute result?

- A negative dilute result is a valid negative test, and does not require a retest.
- A negative-dilute test result requires a second test in all situations.
- A negative-dilute test result requires a second test in certain situations.

Please select the test types in which a negative-dilute test results in a second test:

- Pre-Employment
- Random
- Reasonable Suspicion
- Return to Duty
- Post-Accident
- Follow-up

[Previous](#) [Next](#)

Click any test type in which a second test will be conducted.

Click [Next](#) to move to Section 7.

## **Section 7**

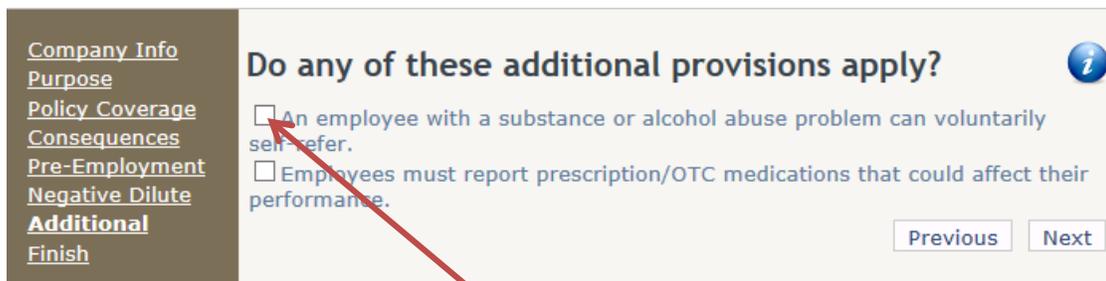
### **7. Additional: Do any of these additional provisions apply?**

#### Voluntary Self-Referral

Because FTA's regulations do not address self-referrals, each program is under the sole authority of the transit system, and the structure is dictated by the employer's policy.

However, the self-referral program must require that the self-referral occurs before notification of a federally required test. An employee may not request help from the transit system for substance use in order to avoid submitting to a drug or alcohol test.

If your organization allows an employee with a substance or alcohol abuse problem to voluntarily self-refer, click to select the first provision. If your organization does not permit self-referrals, leave this box unchecked.



The screenshot shows a web form with a sidebar on the left containing a list of menu items: Company Info, Purpose, Policy Coverage, Consequences, Pre-Employment, Negative Dilute, **Additional**, and Finish. The main content area is titled "Do any of these additional provisions apply?" and contains two checkboxes. The first checkbox is selected and is accompanied by the text "An employee with a substance or alcohol abuse problem can voluntarily self-refer." The second checkbox is unchecked and is accompanied by the text "Employees must report prescription/OTC medications that could affect their performance." At the bottom right of the form are two buttons labeled "Previous" and "Next". A red arrow points from a callout box below to the first checkbox.

An employee with a substance or alcohol abuse problem can voluntarily self-refer.

#### Prescription/Over-the-Counter Medications

In 2000, the National Transportation Safety Board (NTSB) issued a directive to the FTA to educate transit agencies on the potential safety risks associated with the use of prescription (Rx) and over-the-counter (OTC) medications by employees who perform safety-sensitive duties.

Although not required by FTA regulations, employers are encouraged to include policy provisions regarding an employee's use of prescription and over-the-counter medications that could potentially impact public safety.

If your organization requires employees to report their use of prescription or over-the-counter medications, click to select the second provision. If your organization does not require employees to report their use of medications, leave this box unchecked.

The screenshot shows a web form with a sidebar on the left containing the following links: [Company Info](#), [Purpose](#), [Policy Coverage](#), [Consequences](#), [Pre-Employment](#), [Negative Dilute](#), [Additional](#), and [Finish](#). The main content area is titled "Do any of these additional provisions apply?" and contains two checkboxes:  "An employee with a substance or alcohol abuse problem can voluntarily self-refer." and  "Employees must report prescription/OTC medications that could affect their performance." There are "Previous" and "Next" buttons at the bottom right. A red arrow points from the second checkbox to a callout box below.

Employees must report their use of medications that could affect their performance

Depending on which provisions apply to your organization, it is possible to select both check boxes, only one check box, or to leave both checkboxes unselected.

After choosing any applicable provisions, click [Next](#) to finish.

## Generating Your Policy

Since you have finished selecting all applicable elements, you are now prompted to generate your policy. When you click "Generate Policy (Microsoft Word), a Microsoft Word document will open.

In the Word document, click the yellow Enable Editing button at the top, and then the yellow Enable Content button to enable macros. A Macro is a way to create a shortcut for a task you would otherwise have to do manually. Enabling Macros in your generated policy will allow the Table of Contents to update automatically. Enabling Editing will allow you to further customize your policy to meet the needs of your agency.

## Customizing Your Policy

Now you may make any necessary changes. On the cover page, fill in all relevant dates: Effective Date, Policy Adoption Date, and Date of Last Revision. Then continue through the Word document, editing any text in red as it applies to your organization. (Don't forget to remove the brackets and change the text color to match the document once you have made your edits.)

You may also include additional requirements that are not mandated by FTA. However, you may not impose requirements that are inconsistent or contrary to the procedures required by 49 CFR Part 655 or 49 CFR Part 40. These additional policies must also be clearly identified. Use of **bolding** to differentiate between FTA and company policy prohibitions, terms, etc. is common.