

2025

# DRUG & ALCOHOL PROGRAM

49 CFR Parts 653,654 & 655

*The purpose of this program is to assure 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.*

Includes  
**DRUG-FREE  
WORKPLACE**

49 CFR Part 29



**SHORELINE  
METRO**

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Approvals – The Shoreline Metro Drug & Alcohol program has been approved by the Sheboygan Transit Commission or Common Council for the City of Sheboygan several times since its commencement. The program is formally approved when cardinal changes are made to the policies or procedures contained within.

This edition of the program was approved by the Sheboygan Transit Commission on March 18, 2025.

## 1. PURPOSE OF POLICY

The Shoreline Metro System is dedicated to providing safe, dependable, and economical transportation services to our Shoreline Metro passengers. Shoreline Metro System employees are our most valuable resource and it is our goal to provide a healthy, safe working environment which promotes personal well-being. 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.

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(FTA) of the U.S. Department of Transportation has published 49 CFR Part 653 and Part 654, as amended, *and superseded by 49 CFR Part 655, as amended* that mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of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 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 incorporates those requirements for safety-sensitive employees and others when so noted.

## 2. COVERED EMPLOYEES

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment B for a list of covered positions by job title.

## 3. PROHIBITED BEHAVIORS

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

Use of alcohol is prohibited at all times. All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are 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. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

#### **4. PROHIBITED CONDUCT**

##### **a. Manufacture, Trafficking, Possession, and Use**

Shoreline Metro employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on transit authority premises, in transit vehicles, or while on transit authority business. Employees who violate this provision will be disciplined in accordance with established work rules. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

##### **b. Intoxication/Under the Influence**

Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of prohibited substances, 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 substance or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action in accordance with established work rules. 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.

##### **c. Alcohol Use**

No 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 greater than 0.02. No safety-sensitive employee shall use alcohol while on duty, in uniform while in taverns (*local policy*), while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. A safety-sensitive employee shall be subject to random alcohol test only "just prior to performing safety sensitive duties, while performing safety-sensitive duties and just after the employee has ceased performing safety sensitive duties. No 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 disciplinary action up to and including termination in accordance with established work rules.

##### **d. Compliance with Testing Requirements**

All safety-sensitive employees will be subject to urine drug testing as condition of employment. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and be treated as if they had a positive test result. A test refusal includes: failing to appear for any test within a reasonable time (except for pre-employment tests); failing to remain at the testing site until the testing process is complete; failing to provide a urine or breath specimen; in the case of a directly observed or monitored collection in a drug test – failing to permit the observation or monitoring of the provision of the specimen; failing to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic

or other device that could be used to interfere with the collection process; wearing a prosthetic or other device that could be used to tamper with the testing process; failure to provide a sufficient amount of urine or breath when directed when it has been determined there was no medical explanation for the failure; fail or decline to take a second test the employer or collector has instructed the employee to take; failure to undergo a medical examination as part of the verification of a "shy bladder" or "shy lung"; 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; admit to the collector or MRO that you adulterated or substituted the specimen [40.191 (a)]

*An adulterated specimen is 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. [40.201] a dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. [40.3] a substituted specimen is a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine. [40.3] if the MRO reports that the safety-sensitive employee has a verified adulterated or substituted test result, the employee has refused to take a test. [Subpart E 40.225(b)] Verification of these actions will result in the employee's removal from duty and disciplined in accordance with established work rules. Refusal to test is prohibited behavior and can also include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, obstructive behavior, or physical absence resulting in the inability to conduct the test.*

#### **e. Treatment Requirements**

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use policies. 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 Shoreline Metro requirements for treatment, after care, or return to duty shall be subject to disciplinary action, up to and including termination in accordance with established work rules. 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 sickness and accident insurance/sick leave, where applicable, and accumulated vacation leave to participate in the prescribed rehabilitation program.

#### **f. Notification of Criminal Drug Conviction**

All employees are required to notify Shoreline Metro 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, up to and including termination in accordance with established work rules.

#### **g. Proper Application of the Policy**

Shoreline Metro 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 in accordance with established City policy.

#### **h. Release of Information**

Test results may be released only under the following circumstances:

- Shoreline Metro shall release information or copies of records regarding an employee's test results to a third party only as directed by specific, written instruction of the employee.
- Shoreline Metro may disclose information related to a test result to the decision maker in a lawsuit,

grievance, or other proceeding initiated by or on behalf of the employee tested.

- Shoreline Metro may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings. These proceedings include a lawsuit (e.g. a wrongful discharge action), grievance (e.g. an arbitration concerning disciplinary action taken by the employer), or administrative proceeding (e.g. 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 (including, but not limited to, adulterated or substituted test results). These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce information. In such a proceeding, Shoreline Metro may release information to the decision maker in the proceeding (e.g., the court in the lawsuit). Shoreline Metro may release the information to the decision maker in the proceeding only with a binding stipulation that the decision maker to whom it is released will make it available only to parties in the proceeding. As an employer, Shoreline Metro must immediately notify the employee in writing of any information released under these provisions. [40.323(a),(b)&(d)]
- Upon written request, Shoreline Metro must promptly provide any employee with any records in its care, custody and control relating to his/her test.
- Shoreline Metro must release information to the National Transportation Safety Board (NTSB) about any post-accident test performed for an accident under NTSB investigation.
- Shoreline Metro shall make available copies of all results of the substance abuse testing programs, and any other records pertaining to substance abuse testing programs when requested by USDOT or any USDOT agency with regulatory authority over Shoreline Metro.
- Shoreline Metro will, if requested by a Federal, state or local safety agency with regulatory authority over Shoreline Metro, provide drug and alcohol test records concerning the employee. [40.331(e)]

Additionally, Shoreline Metro shall maintain records in a secure manner, so that disclosure of information to unauthorized persons does not occur. In addition to Shoreline Metro management, the collection site, laboratory, Medical Review Officer (MRO) and Substance Abuse Professional (SAP) are held to a strict degree of confidentiality. *However, by regulation, a MRO may, as part of the verification process, report drug test results and medical information to third parties without the employee's consent if: 1.) The information is likely to result in the employee being determined to be medically unqualified under an applicable DOT agency regulation, or 2.) The information indicates that continued performance by the employee of his or her safety-sensitive function is likely to pose a significant safety risk.* [40.327(a)]

*The third parties that the MRO by regulation is authorized to provide information include the employer, a physician or other health care provider responsible for determining the medical qualifications of the employee under applicable DOT agency safety regulation, a SAP evaluating the employee as part of the return to duty process, a DOT agency, or the National Transportation Safety Board in the course of an accident investigation.* [40.327(b)] The laboratory will only report results to the MRO. The breath alcohol technician and the MRO will only report test results to the program manager or designee and the substance abuse professional.

*An MRO must provide, within 10 business days of receiving a written request from an employee, copies of any records pertaining to the employee's use of alcohol and/or drugs, including records of the employee's DOT*

*mandated drug and/or alcohol tests. [40.329(a)]*

*A laboratory must provide, within 10 business days of receiving a written request from an employee, and made through the MRO, the records relating to the results of the employee's drug test (i.e., laboratory report and data package). [40.329(b)]*

*An SAP must make available to an employee, on request, a copy of all SAP reports. [40.329(c)]*

## **5. CONSEQUENCES FOR VIOLATIONS**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

The SAP will evaluate each employee to determine what assistance the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. (A list of substance abuse professionals is attached.)

Assessment by an SAP or participation in the company's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with Shoreline Metro. The Shoreline Metro T.E.A.M. manual should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

If a safety-sensitive employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by the SAP, the employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up testing for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employer.

Employees will be allowed to take sickness and accident insurance benefits/sick leave, where applicable, and accumulated vacation leave to participate in the prescribed rehabilitation program.

Employees who re-enter the workforce must agree to a re-entry contract. That contract may include (but is not limited to):

- A release to work statement from the Substance Abuse Professional.
- A negative test for drugs and/or alcohol.
- 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.
- A statement of work-related behaviors.
- An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.
- The re-entry constitutes the first and final opportunity for re-employment under this policy for a five-year period as of the contract date.
- The first and final re-entry for re-employment under this policy will be with restored seniority and no loss of accrued benefits.

## **6. CIRCUMSTANCES FOR TESTING**

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or

as required by Federal regulations. All safety-sensitive employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident as defined in this section. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after 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.

**a. Pre-Employment Testing**

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

For pre-employment tests only:

- It is not a refusal if the applicant or employee fails to appear for a test.
- It is not a refusal if the applicant or employee fails to remain at the testing site prior to the commencement of the test.
- It is not a refusal if the applicant or employee aborts collection before the test commences.

**b. Reasonable Suspicion Testing**

All covered employees shall be subject to a drug and/or alcohol test when Shoreline Metro (City of Sheboygan) has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing 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.

**c. Post-Accident Testing**

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance



could have contributed to the accident, as determined by Shoreline Metro (City of Sheboygan) using the best information available at the time of the decision, will be tested.

#### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Shoreline Metro (City of Sheboygan) using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal 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.

#### **d. 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 will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may 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 must immediately proceed to the designated testing site.

#### **e. Return to Duty Testing**

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP),

complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug test result and/or an alcohol test result of less than 0.02. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

**f. Follow-up Testing**

Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing 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 subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

**7. TESTING PROCEDURES**

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

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.

**a. Dilute Urine Specimen**

If there is a negative dilute test result, Shoreline Metro (City of Sheboygan) will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

**b. Split Specimen Test**

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Shoreline Metro (City of Sheboygan) guarantees that the split specimen test will be conducted in a timely fashion.

**8. TEST REFUSALS**

As an employee, you are considered to have refused to test if you:

- 1) Fail to appear for any test (except for pre-employment) within a reasonable time, as determined by Shoreline Metro.
- 2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- 3) Fail to provide a specimen for a drug or alcohol test.
- 4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- 5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- 6) Fail or decline to take a second drug test as directed by the collector or Shoreline Metro (City of Sheboygan).

- 7) Fail to undergo a medical evaluation as required by the MRO or Shoreline Metro (City of Sheboygan)'s Designated Employer Representative (DER).
- 8) Fail to cooperate with any part of the testing process.
- 9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine drug test.
- 10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- 11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- 12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- 13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and provided with contact information for SAPs.

## 9. VOLUNTARY SELF-REFERRAL

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the **Shoreline Metro Drug & Alcohol Officer** who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Employees may also take advantage of the City of Sheboygan's Employee Assistance Program, which can aid with substance abuse.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

## 10. PRESCRIPTION DRUG USE

Shoreline Metro has developed a prescription (Rx) and Over-the-Counter (OTC) Supplemental Policy, procedures and forms to ensure the uniform implementation of the Program for all safety-sensitive employees while performing safety-sensitive duties. Prescription medications here on in will be referred to as Rx and Over-the-Counter medications here on in will be referred to as OTC.

The purpose of this supplemental policy is to provide guidelines for safety-sensitive employees in balancing the treatment of illness and the requirements of performing a safety-sensitive function. It is not the intent of this policy to limit employees from obtaining the treatment and medications that they need for their health and well-being, but to ensure that employees are "medically qualified." In the interest of protecting transit employees, passengers, and the general public, Shoreline Metro must ensure that safety-sensitive employee use of any prescription or over-the-counter (Rx/OTC) medications, or any combination of drugs being taken, will not adversely impact the employee's job performance. The employee must, therefore, inform the prescribing medical practitioner of the employee's job duties performed, and then request the medical practitioner to evaluate the employee's health condition, currently used Rx/OTC medications, and dietary supplements along with any new

Rx or recommended OTC medications to determine if the employee can safely perform his/her safety-sensitive job functions. By approving the use of the prescribed or recommended medication, the medical practitioner is ensuring to the greatest extent possible that the employee's job duties can be performed safely. If the medical practitioner cannot provide such assurance, the employee will be removed from safety-sensitive functions, and the medical practitioner will be asked to determine the duration of the employee's medical disqualification.

Employees covered by this supplemental policy affect public safety and the use of Rx and OTC medications may affect the employee's ability to perform the essential functions of their job resulting in a direct threat to public safety.

- **Prescription (Rx) Medications**

Prescription medications are meant to be taken only by the individual for whom the prescription is written. The prescribing physician or healthcare professional must indicate, in addition to the patient's name, the name of the substance, the quantity/amount to be dispensed, instructions on frequency and method of administration, the number of refills, if any, and the date. Virtually all Rx medications can have some type of side effects, varying from mild to severe, depending on the medication and the individual for whom it is prescribed.

The appropriate use of Rx medications is not prohibited. However, the employee has the responsibility to discuss the potential effects of any Rx medication with the prescribing medical practitioner including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing any safety-sensitive function any time his or her ability to safely perform these job duties is adversely impacted by the use of a Rx medication. The use or abuse of medications that impacts an employee's ability to perform safety-sensitive duties is strictly prohibited. Examples of prohibited behavior include:

- a. The use of any Rx medication that adversely impacts the employee's ability to safely perform his/her safety-sensitive job functions.
- b. Not taking medications as prescribed for medical conditions that could affect the performance of safety-sensitive duties.
- c. Use of a medication that is not prescribed for the employee.
- d. Use of a medication that exceeds the prescribed dosage.
- e. Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.

- **Over the Counter (OTC) Medications**

Over-the-Counter (OTC) medications are legal, non-prescription substances taken for the relief of discomforting symptoms. These medications come in a variety of forms, including capsules, powders, tablets, and liquids, and can be used as fever reducers, to relieve pain and the symptoms of colds, flu, and allergy symptoms; appetite suppressants; bowel preparations; sleeping aids; and stimulants.

The appropriate use of OTC medications is not prohibited. However, the employee has the responsibility to read all warning labels and contraindication notices and, if necessary, discuss the potential effects of any OTC medication, combination of OTCs, use of Rx medications, dietary supplements, and health conditions with a medical practitioner including its potential to impair mental functioning, motor skills, or judgment. Employees must refrain from performing a safety-sensitive function any time their ability to safely perform their job duties is adversely impacted by the use of OTC medications. Examples of prohibited OTC medication use include:

- a. The use of any OTC medication that adversely impacts the employee's ability to safely perform his/her job duties.

- b. Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
- c. The use of a combination of OTCs with the same active ingredients that could result in an overdose.

### **Reporting Requirements**

Ultimately, the employee is the best judge of how a substance (Rx or OTC) is impacting him or her. As such, the employee has the responsibility to inform the prescribing or primary medical practitioner of performance altering side effects and discuss alternative treatment or request medical disqualification from performance of safety-sensitive duties.

The employee is encouraged to discuss or consider, along with their medical practitioner, alternative treatments that do not have performance altering side effects. Shoreline Metro requires that all safety-sensitive employees provide a Medical Information Form signed by their medical practitioner for each Rx medication used and indicates either that:

- 1) the medication carries a warning against driving a motor vehicle or operating machinery while taking the medication or
- 2) any other health warnings or contraindications that would affect the individual's performance of safety-sensitive job duties.

A physician approval is required before performing a safety-sensitive function for all OTC medications if the medication carries a warning against driving a motor vehicle or operating machinery while taking the medication or any other health warnings or contraindications that would affect the individual's performance of safety-sensitive job duties.

Shoreline Metro may forward the approval to its medical provider for a concurrence of fitness for duty. The provider may consult with the prescribing medical provider, on an as-needed basis. The decision by Shoreline Metro's provider is final.

The medical information obtained through this process is confidential information and will be maintained in confidential medical files in Shoreline Metro's office.

- **Employee Responsibilities**

The employee is responsible for assessing his or her medical qualification while using an Rx/OTC Medication. As such, the employee has the following responsibilities:

- The employee is required to notify the prescribing medical provider, for Rx medications, and a medical provider or licensed pharmacist for all OTC medications, of the safety sensitive nature of his or her job duties.
- The employee has the responsibility to discuss the potential effects of any Rx/OTC drugs with the prescribing health care provider, including any adverse impact on the safe performance of safety sensitive job duties. The employee is encouraged to consider and/or discuss with the health care provider alternative treatments that do not have performance altering side effects and that do not compromise the quality or effectiveness of treatment.
- In the event that any side effects are experienced from the use of a Rx/OTC medication, which have the potential to affect the performance of safety sensitive job duties, the employee has the responsibility to inform a Shoreline Metro Supervisor immediately so that a medical qualification assessment may be conducted by Aurora Occupational Health.

- The employee is required to provide to the Shoreline Metro Supervisor medical information form for each Rx/OTC medication taken, signed by the prescribing health care provider, for Rx medications, and by a health care provider for OTC medications.

- **Employer Responsibilities**

Shoreline Metro is responsible for enforcing this Rx/OTC Medication policy in conjunction with Shoreline Metro's Medical Qualification Policy and ensuring that all safety-sensitive employees are "medically qualified for duty." As such, Shoreline Metro will:

- Provide periodic training and information on Rx/OTC medications, including those that have the potential may impair safety-sensitive functions. This information will be provided as a guide only and should not be considered all-inclusive. Use of the information to identify potential problem Rx/OTC medications does not exempt the employee from the process as defined herein, but should be used to trigger more in depth discussions with the prescribing medical practitioner or licensed pharmacist.
- Provide medical authorization forms to the employee for use, with the consultation and written authorization from a medical professional or licensed pharmacist, in reporting Rx/OTC medication use.
- Maintain the confidentiality of all information received from employees regarding Rx/OTC medication use in the employee's confidential medical file.
- Send the employee for a medical qualification evaluation and fitness for duty exam by Aurora Occupational Health as a result of the employee's self-referral.

An employee who fails to report an Rx/OTC medication or who performs safety-sensitive functions when his or her performance is being adversely impacted by an Rx/OTC medication will be subject to corrective action up to and including termination.

## 11. DRUG & ALCOHOL CLEARINGHOUSE

Shoreline Metro uses the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse to access real-time information about CDL driver drug and alcohol program violations.

The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse contains records of violations of drug and alcohol prohibitions in [49 CFR Part 382, Subpart B](#), including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

The Clearinghouse is a centralized database that employers use to report drug and alcohol program violations and to conduct queries, which check that current or prospective employees are not prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation—that is, a violation for which the driver has not completed the return-to-duty (RTD) process. Queries must be conducted as part of a pre-employment driver investigation, and at least annually for current employees.

**ATTACHMENT A – PROGRAM CONTACTS**

Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following Shoreline Metro representative:

**Drug & Alcohol Officer:**

Jacob Jensen, Operations Supervisor  
Shoreline Metro  
608 S Commerce Street  
Sheboygan, WI 53081  
Phone: (920) 459-3281, Option 4  
FAX: (920) 459-0231

**Employee Assistance Program:**

Supportline  
Phone: 888-881-5462  
[www.supportline.com](http://www.supportline.com)

**Medical Provider:**

Aurora Occupational Health  
2414 Kohler Memorial Drive  
Sheboygan, WI 53081  
Tel: (920) 459-1459  
Fax: (920) 459-1113

**Medical Review Officer:**

Kevin Edwards, M.D.  
19525 Janacek Court, Suite 103  
Brookfield, WI 53045  
Phone: 866-953-1065  
FAX: 262-784-1065

**Substance Abuse Professional:**

Peter Moran  
Aurora Medical Center  
2640 N 6<sup>th</sup> St.  
Sheboygan, WI 53081  
Phone: 800-236-3231

## **ATTACHMENT B – SAFETY-SENSITIVE POSITIONS & REASONABLE SUSPICION TRAINED POSITIONS**

The following list of positions that have been evaluated and considered to be safety-sensitive positions, and are subject to the provisions of this policy:

1. Director of Transit & Parking
  - a. Controlling movement or dispatch of a revenue service vehicle
2. Operations Supervisor
  - a. Controlling movement or dispatch of a revenue service vehicle
3. Transit Coordinators
  - a. Controlling movement or dispatch of a revenue service vehicle
4. Maintenance Foreman
  - a. Controlling movement or dispatch of a revenue service vehicle
  - b. Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
5. Public Transit Bus Drivers
  - a. Operating a revenue service vehicle, in or out of revenue service
6. Paratransit Bus Drivers
  - a. Operating a revenue service vehicle, in or out of revenue service
7. Maintenance Assistants
  - a. Operating a revenue service vehicle, in or out of revenue service
8. Mechanics
  - a. Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service

Shoreline Metro does not have any service contracts covered under this policy requiring testing.

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The following list of positions have been identified as being responsible in determining reasonable suspicion of a safety-sensitive employee, and must be properly trained in accordance with this policy:

1. Director of Transit & Parking\*
2. Operations Supervisors\*
3. Safety & Training Coordinator
4. Transit Coordinators
5. Maintenance Foreman

\*Individuals authorized to determine if reasonable suspicion testing must be performed.



**ATTACHMENT C - DRUG-FREE WORKPLACE POLICY**

As a federally funded agency, Shoreline Metro is required to comply with the provisions of the Drug-Free Workplace Act of 1988. Shoreline Metro receives federal funds from the Federal Transit Administration (U.S. Department of Transportation).

Disciplinary action up to and including termination will result for any Shoreline Metro employee found in the workplace in any of the following activities:

- Manufacture of a controlled substance;
- Dispensing of a controlled substance;
- Possession of a controlled substance;
- Use of a controlled substance;

Any Shoreline Metro employee convicted for a violation of a criminal drug statute occurring in the workplace must notify Shoreline Metro, in writing, of the conviction no later than five (5) calendar days after such conviction.

All Shoreline Metro employees will abide by the terms of this notice required by the Drug-Free Workplace Act of 1988.



# ATTACHMENT D – POST ACCIDENT TESTING DOCUMENT

## A. Accident Details

Accident Date:		Operator Name:		Employee Number:		Classification:	
Accident Location:				Nearest Cross Street:			City:
Vehicle Number:		Route:	Run Number:	Time: : AM PM		Direction Traveling:	Number of Passengers on Board:

## B. Decision whether to Test for Drug(s) and Alcohol

1) Did the accident or incident involve a fatality?  Yes (FTA drug and alcohol tests are REQUIRED.)  No

2) If there was **NO** fatality, please check the following:

Yes  No **INJURIES** – One or more individuals including driver receive medical treatment away from the scene of the accident and transported immediately from the scene of the accident.

Yes  No **DISABLING DAMAGE** – One or more vehicle(s) suffered disabling damage and required towing from the scene of the accident.

a. If you answered YES to any of the three questions, can you completely discount the performance of the operator of the bus as a contributing factor to the accident?

Yes  
 No (FTA drug and alcohol tests are REQUIRED.)

b. Other than the operator, could the performance of any other safety-sensitive employee have contributed to the accident, using the best information available?

Yes (FTA drug and alcohol tests are REQUIRED for that employee.)  
 No

Employee was given a drug and/or alcohol test:  Yes (Complete remainder of form.)  No (Please stop here.)

Decision to conduct a DOT/FTA Post-Accident Test: Date \_\_\_\_\_ Time \_\_\_\_\_ : \_\_\_\_\_ AM PM

## C. Testing Information

Collection Site Location: \_\_\_\_\_ Time Arrived: \_\_\_\_\_ : \_\_\_\_\_ AM PM

Alcohol test was performed within (2) two hours from the time of the accident:  Yes  No (Please explain on backside.)

Alcohol test was performed within (8) eight hours from the time of the accident:  Yes  No (Please explain on backside.)

Drug test was performed within (32) thirty two hours from the time of the accident:  Yes  No (Please explain on backside.)

Explanation on Testing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*No tests can be administered after 8 hours for alcohol and 32 hours for drugs in accordance with DOT regulations for post-accident testing. Cease all efforts to administer the test(s).**

## D. Supervisor Information

The above information and documentation was provided by:

Supervisor Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

