

West Ouachita Public Transit

FTA Drug and Alcohol Testing Program
WOPT Drug and Alcohol Policy

June 20, 2023

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Attachment 1 – Safe-Sensitive and Non-Safety-Sensitive Functions

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1.0 WOPT Drug Policy

The West Ouachita Public Transit is dedicated to providing safe, dependable, and economical transportation services to our transit passengers. Transit system 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 (1) to ensure that employees are not impaired in their ability to perform their assigned duties in a safe, productive, and healthy manner; (2) to 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 all assigned duties.

2.0 Purpose

The purpose of this policy is to ensure the worker's 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 programs in the transit industry. The Federal Transit Administration (FTA) of the U. S. Department of Transportation has published 49 CFR 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 (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 and the Omnibus Transportation Employee Testing Act of 1991," which requires the establishment of drug-free workplace policies and the report of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

3.0 Applicability

This policy applies to all safety-sensitive employees (full or part time) 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.

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 the vehicle is in revenue service), dispatch, maintenance of a revenue service vehicle or equipment used for revenue service, security personnel who carry firearms, and any other employee who holds a Commercial Driver's License. Maintenance functions include the repairing, overhauling, and rebuilding of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions including one or

more of the above-mentioned duties are provided in 11.0 System Contracts, Attachment 1. Supervisors are safety-sensitive only if they perform one of the above functions.

4.0 Prohibited Substances

"Prohibited substances" addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

Illegally Used Controlled Substance or Drug's Under the Drug-Free Workplace Act of 1998: any drug or substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR1300.11 through 1300.15, is prohibited always in the workplace. 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.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all safety-sensitive employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section 6.0 of this policy. 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. Any employee covered by this policy ("covered employee") may be randomly tested for prohibited drug use any time while on duty.

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 judgment may be adversely affected must be reported to supervisory personnel. Also, medical advice and written authorization from the attending physician must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug during medical treatment. It must include the patient's (employee'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, such as mouthwash, food, candy, or any other substance that causes alcohol to be present in the employee's body while he/she is performing transit business is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655, as amended, just before, during or just after the

performance of safety-sensitive job functions. Under WOPT authority, an alcohol test can be performed any time a covered employee is on duty. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath testing device.

5.0 Prohibited Conduct

- 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.
- 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 they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- WOSC/PT 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.
- 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.
- No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- WOPT under its own authority also prohibits the consumption of alcohol when the employee is on duty, or anytime the employee is in uniform.

5.1 Manufacture, Trafficking, Possession, and Use

Consistent with the Drug-Free Workplace Act of 1988, all WOPT, employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substance in the work place including WOPT premises, transit vehicles, while in uniform or while on company business. Employees who violate this provision will be subject to termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

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. Employee's found to be under the influence of a prohibited substance or who fails a drug or alcohol test shall be removed from duty and terminated. 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 defined in 49 CFR Part 40, as amended.

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 6.0 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 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 this no tolerance policy. An alcohol concentration of less than 0.02 will be considered a negative test.

5.3 Alcohol and Drug 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 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty, or at any time while in uniform, while performing safety-sensitive functions, or just before or just after performing safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call. 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.

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 define in 49 CFR Part 40, as amended. Violation of these provisions is prohibited and punishable by termination.

5.4 Compliance with Testing Requirements

All safety-sensitive employees will be subject to urine drug testing as a condition of employment. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and terminated. Any safety-sensitive employee who is suspected of falsifying test results through tampering, contamination, adulteration, or substituting 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 employee's removal from duty and disciplined as defined in this policy.

A "refusal to test" is also considered to have occurred 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 test required by this part 40 of 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 the employee's provision of a specimen.
- Fails to provide a enough 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 when the employer or collector has directed the

employee to take a second test.

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- 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 “shy bladder” or “shy lung” procedures.
- Fails to cooperate with any part of the testing process (e.g. refusing to empty pockets when so directed by the collector, or behaves in a confrontational way that disrupts the process).
- During an observed collection, fails to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO that the employee adulterated or substituted the specimen.
- Fails or refuses to sign STEP 2 of the alcohol testing form.

A “refusal to test” is also considered to have occurred if the MRO reports that there is a verified adulterated or substituted test result.

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 performing a safety-sensitive duty, or just before or just after the performance of a safety-sensitive duty.

5.5 Treatment Requirements

Analytical urine drug testing and breathe testing for alcohol will be conducted as required by 49 CFR part 40, as amended. All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. WOPT 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 WOPT.

Except for a single incident of self-referral to management (see Reasonable Suspicion Testing) WOPT declares a policy of zero tolerance for duty/alcohol abuse as defined in this policy.

Covered employees who self-referred to management will be tested prior to returning to duty after completion of the Substance Abuse Professional’s (SAP) 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 test performed during the first year. The duration and frequency of the following-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional (SAP). 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.

5.6 Notifying the Transit System of Criminal Drug Arrest

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the transit system of any criminal drug statute arrest for a violation occurring in the workplace within five (5) days after such arrest. Failure to comply with this provision shall result in transit system discipline, up to and including termination.

5.7 Proper Application of the Policy

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 regarding subordinates, shall be subject to disciplinary action in accordance with the provisions set forth in the personnel manual.

6.0 Testing Procedures

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR part 40, as amended. All safety-sensitive employees shall be subject to drug testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Section 6.2, 6.3, and 6.4 of this policy. All safety-sensitive employees shall be subject to alcohol testing for random, reasonable suspicion and following an accident as defined in Section 6.2, 6.3, and 6.4.

Those employees, who perform safety-sensitive functions as defined in the Section 11.0 Attachment 1, 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 by using techniques, equipment, and laboratories 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 40, as amended. The procedure 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 results.

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 specimens will be collected using the split specimen method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by 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 urine specimen. For those specimens that are not negative, or appear to be substitute or adulterated, a confirmatory Gas Chromatography/Mass Spectrometry (GS/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. Section 11.0 Attachment 3 lists the minimum thresholds for each drug and/or its metabolites. The test results from the laboratory will be reported to Medical Review Officer (MRO). A Medical Review Officer is a licensed physician with detailed knowledge of substance

abuse disorders 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 test result, substitution or adulteration. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive, substitute, or adulterated laboratory result. If no legitimate medical explanation is found, the test will be verified positive, substitute, or adulterated, and reported to the DAPM (Drug and Alcohol Program Manager). If a legitimate explanation is found, the MRO will report the test 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 by the employee through the Medical Review Officer (MRO).

Observed collections:

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

- (1) The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the company Drug Alcohol Program Manager (DAPM) that there was not an adequate medical explanation for the result, or
- (2) The MRO reports to the Drug and Alcohol Program Manager (DAPM) that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen would not be performed.
 - (A) The Drug and Alcohol Program Manager must direct a collection under observation of any employee if the drug test is a return-to-duty test or a follow-up test.
 - (B) The collector must immediately conduct a collection under direct observation, if they are directed by the Drug and Alcohol Program Manager to do so.
- (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, or
- (5) The original specimen appeared to have been tampered with.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic 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. 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 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 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.

Any safety-sensitive employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to Substance Professional (SAP) for assessment.

6.1 Employee Requested Testing

Any safety-sensitive employee who questions the results of a required drug test under paragraph 6.2 through 6.7 of 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. Cost of the split sample test will be paid by the employee. If the employee is unable or unwilling to pay for the split sample, that cost will be paid by the transit system, but the transit system will thereafter recover the cost from the employee. The method of collecting, storing, and testing the split sample will be consistent with the procedure 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 (MRO) 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 documental facts that were beyond the control of the employee.

6.2 Pre-Employment Testing

All safety-sensitive position applicants shall undergo urine drug testing prior to hire or transfer into a safety-sensitive position. Receipt by the transit system of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for employment for period of five (5) years. Evidence of the absence of drug dependency from a Substance Abuse Professional (SAP) that meets with the approval of the DOT and negative pre-employment employment drug tests will be required prior to further consideration of employment. The cost for assessment and any subsequent treatment will be for the sole responsibility of the individual. Any safety-sensitive position applicant who refuses to test or 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).

All safety-sensitive employees who have been off duty for 90 or more days for any reason are required to successfully pass a pre-employment drug test prior to the performance of a safety-sensitive function.

6.3 Reasonable Suspicion Testing

All safety-sensitive employees may be subject to 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 FTA DOT referral for testing will be made based on documented objective facts and circumstances which are consistent with the short-term effects of substance abuse or alcohol misuse. Any reasonable suspicion test required under company rather than federal authority will be a non-DOT test. Examples of reasonable suspicion include, but are not limited to, the following:

1. Trained supervisors or company officials' observation of the safety-sensitive employee's physical signs and symptoms consistent with prohibited substance use or alcohol use based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the covered employee.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Any of the above may require a trained supervisor to conduct a reasonable suspicion observation, but no test will be required unless the supervisor makes specific contemporaneous, articulate observations. WOPT 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.

Alcohol testing is authorized under this section only if the observations required by paragraph (b) of this section are made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance with this part. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is to perform safety-sensitive function; or just after the employee has ceased performing such functions. However, under WOPT authority, a reasonable suspicion alcohol test may be performed any time the covered employee is on duty.

When there are no specific, contemporaneous, articulable objects 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 substance 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 in this policy. Testing in this circumstance would be performed under the direct authority of WOPT. Since the employee self-referral 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 this policy or the associated consequences as specified in this policy.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and 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 of alcohol misuse.

6.4 Post-Accident Testing

All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with a West Ouachita Public Transit vehicle (regardless of whether the vehicle is in revenue service) that result in a fatality. This includes all surviving safety-sensitive employees who operated the vehicle and any other whose performance could have contributed to the accident. 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 vehicle incurs disabling damage, unless the operator can be completely discounted as a contributing factor to the accident. The accident definition may include some incidents where an individual is injured even though there is no vehicle collision.

- a. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the employees operating the transit vehicle and all other covered employees whose performance could have contributed to the accident or the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- b. Following an accident, the safety-sensitive employees will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. 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) hours, or the drug test with 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- c. Any safety-sensitive 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.
- d. 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 - which then results in termination of the employee. Employees tested under this provision will include not only the operations personnel, but any covered employee whose performance could have contributed to the accident.
- e. 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.

- f. If the transit system 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. The State and local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with state and local law.

6.5 Random Testing

All safety-sensitive 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. WOPT will maintain a listing of the names of all employees in safety-sensitive positions. Drug and Alcohol testing will be unannounced, immediate and the dates for administering random tests are spread reasonably throughout the calendar month and year. Testing will be conducted on all days and hours during which safety-sensitive work is performed. All safety-sensitive employees shall have an equal chance of being selected each time selections are made.

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 twenty-five percent (25%) of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent (10%) 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 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 WOPT authority.
5. Random drug tests can be conducted at any time during an employees' shift. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under WOPT 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. If the employee is off-duty or otherwise unavailable at the time the employer desires to conduct the test, the test should be postponed until the employee is on-duty, if the test can be performed during the testing period for which the number was selected.
7. 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.

Random alcohol testing must take place immediately before, during, or immediately after an employee performs a safety-sensitive function. However, under WOPT authority, a random alcohol test may be performed any time the covered employee is on duty. Employees are required to proceed immediately to the collection site upon notification of their random selection.

6.6 Return-to Duty Testing

Except for a single incident of self-referral to management (see Reasonable Suspicion Testing), WOPT 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 (SAP) 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 are no undue concerns for public safety.

All safety-sensitive employees who tested positive on a drug or alcohol test will be terminated. In the event an employee has not tested positive but undertakes treatment and thereafter returns to duty, he/she must test negative on both a return-to-duty test and a drug and alcohol test (below 0.02 for alcohol) and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, state licensed or certified marriage and family therapist, 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. The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return-to-work test, the SAP must assess the employee and determine if the required treatment has been completed.

6.7 Follow-up Testing

The safety-sensitive employees 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. The frequency and duration of the follow-up tests (beyond the minimum) will be determined by a qualified Substance Abuse Professional (SAP) 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 should be in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

6.8 Dilute Negative Specimens

The employee shall not be required to take another test in the event of a dilute negative specimen test.

7.0 Employment Assessment – Employee Assistance Programs (EAP) - Treatment

Any safety-sensitive employee who refuses to test or 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 physician, psychologist, social worker, state licensed or certified marriage and family therapist, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

If a safety-sensitive employee can 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 employee or the insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in prescribed rehabilitation program(s).

8.0 Information Disclosure

To be considered for employment, all applicants will be asked to give consent to West Ouachita Public Transit for a background check of their previous DOT covered employer over the past two (2) years. Information requested will include:

- (1) Alcohol test results of 0.04 or higher alcohol concentration.
- (2) Verified positive drug tests.
- (3) One or more refusals to be tested (including verified adulterated or substituted drug test results.)
- (4) Other violations of DOT agency drug and alcohol testing regulations.
- (5) Information with respect to any employee who violated one or more DOT drug and alcohol return-to-duty requirements (including follow-up tests).

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:

- (1) To a third party only as directed by specific, written instruction of the employee.
- (2) To the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested.
- (3) To a subsequent employer upon receipt of a written request from the employee.
- (4) To the National Transportation Safety Board during an accident investigation.
- (5) To the DOT and/or DOT agency with regulatory authority over the employer or

any of its employees, or to a State oversight agency authorized to oversee rail fixed-guide way systems.

- (6) To the employee on written request.
- (7) Record will be released if requested by a Federal, state, or local safety agency with regulatory authority over West Ouachita Public Transit 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, necessary legal steps to contest the issuance of the order will be taken.

9.0 Employee and Supervisor Training

All safety-sensitive employees will undergo a minimum of sixty (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 must also include manifestations and behavioral cues that may indicate prohibited drug use.

Supervisors will also receive sixty (60) minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and (60) sixty minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

10.0 System Contact

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

Drug and Alcohol Program Manager (DAPM)
Saint Francis OccuMed - Brett Rachel /Penny Whitehead
2600 Tower Drive, Suite 304
Monroe, LA 71201
(318) 966-6320

Designated Employer Representative (DER)
West Ouachita Public Transit
Kim Payne Watt
1800 North 7th Street
West Monroe, LA 71201
(318) 324-1280
Medical Review Officer (MRO)
Dr. Brian N. Heinen, Jr.
115 Leon Street
Eunice, LA 70535
(318) 457-8166

Substance Abuse Professional (SAP)
Chris Salter
Lincoln Counseling Center
Ruston/Shreveport/West Monroe, LA 71291
(318)251-4659

Consortium/Third Party Administrator
Saint Francis OccuMed – Brett Rachel
2600 Tower Drive
Monroe, LA
(318) 966-6320

APPENDIX C

SAFETY-SENSITIVE EMPLOYEES

Administration:	Doug Fleming	Transit Manager
Scheduling/Dispatching:	Transit Driver/Dispatcher Doug Fleming Bernetta McAllister Johnnie Enloe Barbara Dison	Alternate Scheduler/Dispatcher Alternate Dispatcher Alternate Dispatcher Alternate Dispatcher
Drivers:	Michael Wright Romonica McNeal Wayne Hammond Michael Jackson Andy Parnell	Pam Mondey Leonard Wilson Norma Eyre Lubertta Byrd Davlyn Jones
Maintenance Barn:	Travis Larisey Mike Cotton Rodney Lively Darren Brister	Helen Warner Tom Reppond James Cobb Michael Poole

Definitions - Accident - means an occurrence associated with the operation of a revenue service vehicle even when not in revenue service or which requires a Commercial Driver's 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 another 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 the vehicle 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 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 procedures 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 is not consistent with human urine.

Alcohol - means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol contained in any beverage, mixture, mouthwash, candy, food, or preparation of medication.

Alcohol Concentration - is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

Canceled Test - is a drug test that has been declared invalid by a Medical Review Officer (MRO). A canceled test is neither positive nor negative.

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, and other employees, applicants, or transferees that will not perform a safety-sensitive function, but falls under the policy of the company's own authority.

Designated Employer Representative (DER) - 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 DER also receives test results and other communication for the employer, consistent

with the requirement of 49 CFR Parts 40 and 655.

Department of Transportation (DOT) - Department of the federal government which includes the US Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

Dilute Specimen - is 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 immediately 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 (EDT) - 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) confirming products list.

Medical Review Officer (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, substitution or adulteration.

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 Parts 40, as amended. An alcohol concentration of less than 0.02 BAC is negative result.

Non-Negative Test Result - is a test result found to be adulterated, substituted, invalid, or positive for drug/drugs metabolites.

Performing (a safety-sensitive function) - means a covered employee is performing a safety-sensitive function and includes any period in which he or she is performing, ready to perform, or immediately available to perform such functions.

Positive Rest Result - for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels as 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 - means marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum 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. This includes 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 Driver's 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) carry a firearm for security purposes.

Substance Abuse Professional (SAP) - means a licensed physician (medical doctor or doctor of Osteopathy) or a licensed or certified psychologist, social worker, state licensed or certified marriage and family therapist, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselor 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 test required by this part 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 the employee's provision of a specimen.

Fails to provide an enough 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 when the employer or collector has directed the employee to take a second test.

Fails to undergo a medical examination or evaluation, as directed the MRO as part of the verification process, or as directed by the DER as part of "shy bladder" or "shy lung" procedures.

Fails to cooperate with any part of the testing process, e.g. refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the process, etc.

During an observed collection, failing to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.

Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.

Admits to the collector or MRO that the employee adulterated or substituted the specimen.

Failure or refusal to sign STEP 2 of the alcohol testing form.

A **"refusal to test"** is also considered to have occurred if a MRO reports that there is a verified adulterated or substituted test result.

Verified Negative Test - means a drug test result reviewed by a medical review officer (MRO) and determined to have evidence of prohibited drug use above the minimum cutout levels specified in 49 CFR 40, as amended.

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.

Attachment 1
Safety-Sensitive and Non-Safety Sensitive Functions

Job Title	Descriptions	Duties
Executive Director	Tasks performed are primarily in an administrative office setting, knowledge of Federal D&A testing regulations, policy enforcement and revisions, grants, (non-safety sensitive function)	Responsible for capital and operating transit Capital and operating grants (writing and oversight), hiring skilled transit staff, employing termination, drug testing program oversight (ensuring D&A confidentiality testing records), policy revisions, timely submission of required STTARS transit data, drug and alcohol manager, employee evaluations, archives records, and vehicle safety (training and inspections).
Transit Manager	Tasks performed are partially in an office setting, responsible for accurate/timely STTARS data, schedules daily transit/driver assignments, substitutes as van driver/dispatcher, if needed, assists with driver training, CDL required, knowledge of Federal D&A testing programs and 5311 regulations.	Responsible for driver/employee training, travel to mandatory LADODT manager transit opportunities, accurate STTARS data input, safety vehicle inspections/maintenance reports, D&A collection information, assist with employee training, enforces policies, transit regulations, and accurate driver archive records.
Transit Manager	Tasks performed are partially in an office setting, CDL preferred, assist Director with oversight of vehicle, cameras, GPS, repairs, driver training, incidents/accidents, and STTARS.	Responsible for assisting Director with passenger scheduling and dispatching issues, customer service training, oversight of vehicle, cameras, GPS, repairs, driver training, incidents/accidents, and STTARS reporting.

Job Title	Description	Duties
Transit Dispatcher	Tasks performed are partially in an office setting and may substitute as driver, CDL required.	Responsible for controlling the movement or dispatching of a revenue transit service bus, (collection of accurate transit requests daily, assist with daily preparation of driver assignments using GPS technology), assign drivers throughout the day for trip pickups, and demand-responsive assisting, as needed, with transit data entry, insures drivers return keys, radio, money bags, etc. at end of the day.
Transit Driver	CDL required, PASS required, CPR required, transport passengers, as assigned, daily.	Responsible for the safe transport of passengers within Ouachita Parish with non-emergency destinations, responsible for accurate fare collections, assist passengers embarking, disembarking, and with personal items or packages.
City Vehicle Maintenance Manager	Tasks performed primarily in vehicle garage, in addition to demand responsive roadside service.	Responsible for supervision of demand responsive repair for all vehicle and routine preventative maintenance, emergency response, ordering and replacing parts, accurate completion of maintenance records.
City Vehicle Mechanics	Tasks performed primarily in vehicle garage, in addition to demand responsive roadside service.	Responsible for demand responsive repair for all vehicle and routine preventative maintenance, emergency response.
Clerical Transit Assistant	Tasks performed primarily in an office setting.	Responsible for accurate STTARS data entry regarding transit operations, maintenance, or emergency response.

Job Title	Description	Duties
D&A Collection Designation Employer Representative (DER)	Tasks performed primarily in an office setting, knowledge of Federal D&A testing regulations.	Responsible for drug and alcohol record management review, collection site management, ensure D&A confidentiality testing records.
D&A Program Manager (DAPM) Substance Abuse Manager	Tasks performed primarily in an office setting, certified BAT (Breath Alcohol Technician) and SAPAA (Substance Abuse Program Administrators Association, knowledge of Federal D&A testing regulations, ensure D&A confidentiality testing records.	Responsible for third party random, scientific drug selection, compliance of the collection of DOT regulatory D&A safety sensitive employee testing, enforcing and monitoring the contact for all testing services, performing quality control testing services, such as, mock and blind sample quality control checks.

Attachment 2 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 like 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 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 aircrafts accidents are alcohol related.

☐ The Annual Toll

- 24,000 people will die on 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-induced brain disease or suicide.
- Up to another 125,000 will die 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.

Attachment 3
Minimum Thresholds

INITIAL TEST CUTOFF 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

Transit Agency Substance Abuse Management Policy

In accordance with USDOT and FTA Regulations

Transit Agency is dedicated to providing safe, dependable, and economical transportation service to its patrons. Transit Agency employees are a valuable resource and it is our agency's goal to provide a safe, healthy and satisfying working environment, free of the potential dangers posed by a safety-sensitive employee's use of prohibited drugs or misuse of alcohol.

This policy is established to comply with the Federal Transit Administration regulations codified as 49 CFR Part 655, as amended and USDOT regulations codified as 49 CFR Part 40, as amended. ***Policy provisions authorized by Transit Agency are italicized and bolded throughout this policy.*** All other policy provisions are implemented under the authority of the United States Department of Transportation (USDOT) and the Federal Transit Administration (FTA).

This policy is approved by:

Darlyn Jones

Title of approving official:

Manager

Signature of approving official:

Darlyn Jones

Date signed: *6/20/23*

Policy effective date: *6/20/23*

West Ouachita Public Transit

Transit Service Policy

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1. **Testing Program Background**

The Omnibus Transportation Employee Testing Act of 1991 (OTETA) directed the United States Department of Transportation (USDOT) to promulgate regulations outlining the procedures for transportation workplace drug and alcohol testing. The USDOT regulations titled, "Procedures for Transportation Workplace Drug and Alcohol Testing" are codified as 49 CFR Part 40. The regulations ensure uniform practices for specimen collections, laboratory analysis, medical review, result reporting and the Return-to-Duty process for violating employees. The regulations are applicable to safety-sensitive employees in transportation workplaces throughout the nation (transit, railroad, aviation, commercial drivers, etc.).

The OTETA also directed each transportation administration to craft industry-specific regulations that define which employees are subject to testing, the testing circumstances, policy statement requirements and training requirements, relevant to that industry. Transit Agency is required to comply with both the USDOT regulations described above, as well as the Federal Transit Administration regulations "Prevention of Prohibited Drug Use and Alcohol Misuse in Transit Operations" which are codified as 49 CFR Part 655.

2. **Employee Applicability**

This policy and the USDOT/FTA testing program apply to all safety-sensitive Transit Agency employees. The policy also applies to volunteers who are required to hold a Commercial Drivers License (CDL) and volunteers that receive remuneration in excess of actual expenses accrued while carrying out assigned duties. Adherence to this policy and the USDOT/FTA testing program is a condition of employment in a safety-sensitive position with Transit Agency. All employees of Transit Agency who perform, or could be called upon to perform, any of the following duties are defined as safety-sensitive employees:

1. Operate a public transportation vehicle, while in or out of service
2. Operate an ancillary vehicle when the vehicle requires a commercial driver's license
3. Control the movement of a public transportation vehicle
4. Perform maintenance on a vehicle or equipment used in public transportation
5. Carry a firearm as part of transit security detail

The Transit Agency positions classified as safety-sensitive include:

- Example job title: Drivers
- Example job title: Dispatchers
- Example job title: Maintenance personnel and Maintenance Supervisor
- Example job title: Safety Training Officer

3. **USDOT/FTA Prohibited Drug Classes**

Consumption of these drugs is prohibited at all times.

- Amphetamines
- Cocaine
- Marijuana
- Opioids
- Phencyclidine (PCP)

4. **Pre-employment Drug and Alcohol Background Checks**

In accordance with 49 CFR Part 40.25, Transit Agency must make and document good faith efforts to perform drug and alcohol background checks for all applicants applying for a safety-sensitive position and all current employees applying for transfer into a safety-sensitive position. Testing information will be requested from each of the applicant's previous DOT covered employers during the two years prior to the date of application. Transit Agency must obtain the applicant's written consent for the release of their drug and alcohol testing information from their previous DOT covered employers to Transit Agency. Applicants refusing to provide written consent are prohibited from performing safety-sensitive functions for Transit Agency.

Safety-sensitive applicants who have previously violated the USDOT testing program must provide documentation that they have successfully completed the USDOT's Return-to-Duty process with a DOT-qualified Substance Abuse Professional (SAP). Failure to provide satisfactory documentation will exclude the applicant from being hired or transferred into a safety-sensitive position with Transit Agency.

5. **Pre-Employment Testing**

All applicants for safety-sensitive positions shall undergo a pre-employment urine drug test. Transit Agency must receive an MRO-verified negative drug test result prior to the applicant's first performance of any safety sensitive function, including behind-the-wheel training.

If an applicant's pre-employment urine drug test result is verified as positive, the applicant will be excluded from consideration for employment in a safety-sensitive position with Transit Agency. The applicant will be provided a list of USDOT-qualified Substance Abuse Professionals.

An employee returning from an extended leave period of 90 consecutive days or more, and whose name was also removed from the random testing pool for 90 days or more, must submit to a pre-employment urine drug test. Transit Agency must be in receipt of a negative drug test result prior to the employee resuming any safety-sensitive function.

6. **Random Testing**

Safety-sensitive employees will be subject to random, unannounced testing. Transit Agency will perform random testing in a manner that meets or exceeds the FTA minimum annual testing requirements, as amended. The selection of employees for random testing will be made using a scientifically valid method. All safety-sensitive employees will have an equal chance of being selected each time a random draw is performed. Random alcohol tests will be conducted just before, during or just after the employee's performance of a safety-sensitive function. Random drug tests may be conducted anytime an employee is on duty, on call for duty or on standby for duty.

Once an employee is notified that they have been selected for a random test, they must proceed immediately to the testing location. Failure to proceed immediately may be deemed a refusal to test.

7. **Reasonable Suspicion Testing**

All safety-sensitive employees must submit to reasonable suspicion drug and/or alcohol testing

when a supervisor or company official trained in detecting signs and symptoms of drug use and alcohol misuse has made specific, contemporaneous, articulable observations concerning an employee's appearance, speech, behavior and/or body odor. Reasonable suspicion testing for alcohol misuse will occur when observations are made just before, during, or just after the employee's performance of a safety-sensitive function. Reasonable suspicion testing for prohibited drugs may be conducted anytime an employee is on duty or on standby for duty and a trained supervisor has made the observations.

8. **Post-Accident Testing**

Fatal Accidents: Safety-sensitive employees must submit to post-accident drug and alcohol testing following an accident involving a public transportation vehicle that results in the loss of human life. In addition to a surviving operator of the vehicle, any other surviving, safety-sensitive employee whose performance could have contributed to the accident must also be tested.

Non-Fatal Accidents: All safety-sensitive employees whose actions cannot be completely discounted as a contributing factor must submit to post-accident drug and alcohol testing when a non-fatal accident meets one or more of the following thresholds:

1. An individual suffers bodily injury and immediately receives medical treatment away from the scene
2. One or more vehicles incurs disabling damage that requires the vehicle(s) to be towed away from the accident scene
3. If the public transportation vehicle is a rail car, trolley car, trolley bus or vessel and has been removed from service.

Transit Agency officials will use the best information available at the scene, to determine if a safety-sensitive employee's performance can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be conducted as soon as practicable following the accident. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing will be deemed to have refused the test. However, employees are not prohibited from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

9. **Urine Specimen Collections**

Urine specimen collections will be conducted in accordance with USDOT rule, 49 CFR Part 40, as amended. Collectors will be appropriately trained and qualified to perform urine specimen collections for USDOT covered employers. Urine specimen collectors will use the split-specimen collection method and will afford the donor (employee) the greatest degree of privacy permitted per 49 CFR Part 40, as amended. When an observed collection is required, the observer will be of the same gender as the donor (employee).

10. **Refusal to Submit to Urine Drug Testing**

The following actions constitute a "refusal to test" in accordance with 49 CFR Part 40, as amended:

- (1) Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer (pre-employment testing not applicable).
- (2) Failure to remain at the testing site until the testing process is completed (after the process has been started)
- (3) Failure to provide a urine specimen for any drug test required by this part or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen
- (5) Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Failure or decline to take an additional drug test the employer or collector has directed you to take
- (7) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by Transit Agency
- (8) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- (9) For an observed collection, failure 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.
- (10) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admitting to the collector or MRO that you adulterated or substituted the specimen.
- (12) When the MRO verifies your drug test result as adulterated or substituted.

Refusing to submit to a USDOT/FTA required test is a violation of the USDOT/FTA testing program. Employees are required to be immediately removed from safety-sensitive duty and provided a list of USDOT-qualified Substance Abuse Professionals. ***Per Transit Agency authority, violation of the USDOT/FTA testing program will result in termination of employment.***

11. **Urine Specimen Analysis**

All specimens will be transported or shipped to a laboratory certified by the Department of Health and Human Services (DHHS). All specimens will be analyzed at the laboratory in accordance with 49 CFR Part 40, as amended. The procedures that will be used to test for the presence of prohibited drugs will protect the employee and the integrity of the drug testing

process, safeguard the validity of the test results and ensure that the test results are attributed to the correct employee. Laboratory confirmed drug test results will be released only to a certified Medical Review Officer (MRO) for review and verification.

Negative-Dilute Specimens

Upon receipt of an MRO verified negative-dilute drug test result with creatinine levels greater than 5 mg/dl and less than 20 mg/dl, Transit Agency will require applicants and employees to submit to a second urine collection per 49 CFR Part 40.197. The collection of the second specimen will not be conducted using direct observation procedures. The MRO verified result of the second urine drug test will be accepted by Transit Agency as the final result and the test of record. ***Transit Agency will apply this policy provision uniformly for all pre-employment and random urine drug tests reported by the Medical Review Officer to have creatinine levels greater than 5mg/dl but less than 20mg/dl (negative-dilute results).*** Once notified that a second collection is required, employees must proceed immediately for testing. An employee's failure to report immediately may be deemed as a refusal to submit to testing, which is a violation of the USDOT/FTA testing program. ***Per Transit Agency authority, violation of the USDOT/FTA testing program will result in termination of employment.***

12. **Role of the Medical Review Officer (MRO)**

The role of the Medical Review Officer is to review and verify laboratory confirmed test results obtained through a DOT-covered employer's testing program. When a non-negative drug test result is received, the MRO will communicate with the donor (employee) to determine if a legitimate medical explanation exists. When a legally prescribed medication has produced a non-negative result, the MRO will verify the prescription and report the result as "negative" to Transit Agency. Medical conditions and other information obtained by the MRO during the interview with the donor will be maintained in a confidential manner. However, if the MRO believes that a medication prescribed to the donor may pose a significant safety risk, the MRO will require the donor to contact his/her prescribing physician and request that the physician contact the MRO within 5 business days. The MRO and prescribing physician will consult to determine if the employee's medication use presents a significant safety risk. Transit Agency will be notified by the MRO when the outcome of the consultation results in a determination that the donor's medication use presents a significant safety risk. If the employee's prescribing physician fails to respond, the safety concern will be reported to Transit Agency without consultation. Based on the MRO recommendation, Transit Agency may deem the employee medically disqualified from performing safety-sensitive functions. The MRO assigned to review and verify laboratory drug test results for Transit Agency is:

Insert the specific name of your agency's assigned MRO

Insert address of MRO

Insert telephone number of MRO

13. **Consequence for MRO Verified Positive Drug Test**

When Transit Agency is notified of an MRO verified positive drug test, or a test refusal due to adulteration or substitution; the violating employee will be immediately removed from safety-

sensitive duty and provided a list of DOT-qualified Substance Abuse Professionals. Applicants will be excluded from hire and provided a list of DOT-qualified Substance Abuse Professionals. ***Per Transit Agency authority, violation of the USDOT/FTA testing program will result in termination of employment.***

14. **Split Specimen Testing**

As an important employee protection, split specimen collection procedures will be used for all USDOT/FTA urine collections. When an employee challenges an MRO verified result, he/she may request that the split specimen (bottle B) be tested at a different DHHS certified laboratory that conducted the test of the primary specimen (bottle A). Instructions for requesting the split specimen test will be provided by the Medical Review Officer during his/her interview with the donor (employee). In accordance with USDOT rule, Transit Agency will ensure that the fee to process the split specimen test is covered, in order for a timely analysis of the split specimen. ***Transit Agency may seek reimbursement for the cost of the split specimen test.***

15. **Alcohol Prohibition**

Safety-sensitive employees are prohibited from consuming alcohol while performing safety-sensitive functions, within (4) four hours prior to performing a safety sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. Safety-sensitive employees must not consume alcohol within eight (8) hours following an accident or until the employee submits to post-accident testing, whichever occurs first.

16. **Alcohol Testing**

All alcohol screening tests and confirmation tests will be performed in accordance with USDOT rule, 49 CFR Part 40. The procedures that will be used to test for alcohol misuse will protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee.

When an alcohol-screening test indicates a blood alcohol concentration (BAC) of 0.02 or greater, a confirmation test will be performed using an evidential breath-testing device listed on the USDOT/ODAPC webpage as an "Approved Evidential Breath Measurement Device". The confirmed blood alcohol concentration (BAC) result will be transmitted by the technician to Transit Agency in a confidential manner. A safety-sensitive employee who has a confirmed blood alcohol concentration (BAC) of 0.02 or greater but less than 0.04 will be removed from safety-sensitive duties for a period of at least (8) eight hours or until test results fall below 0.02.

17. **Consequence for a USDOT/FTA Confirmed Alcohol Violation**

A safety-sensitive employee who has a confirmed blood alcohol concentration (BAC) of 0.04 or greater has violated the USDOT/FTA testing program and will be removed from safety-sensitive duty and provided a list of DOT-qualified Substance Abuse Professionals. ***Per Transit Agency authority, violation of the USDOT/FTA testing program will result in termination of employment.***

18. **Refusal to Submit to Alcohol Testing**

The following actions constitute a refusal to submit to an alcohol test:

- (1) Fail to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- (2) Fail to remain at the testing site until the testing process is complete
- (3) Fail to provide an adequate amount of saliva or breath for any USDOT required alcohol test
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (5) Fail to undergo a medical examination or evaluation, as directed by the [Agency]
- (6) Fail to sign the certification at Step 2 of the ATF
- (7) Fail to cooperate with any part of the testing process.

Refusing to submit to a USDOT/FTA required test is a violation of USDOT/FTA testing program. Employees must be immediately removed from safety-sensitive duty and provided a list of USDOT-qualified Substance Abuse Professionals. ***Per Transit Agency authority, violation of the USDOT/FTA testing program will result in termination of employment.***

19. Transit Agency Testing Program Contacts

Designated Employer Representative (Drug & Alcohol Program Manager)

Insert name of DER

Insert phone number and extension of DER

Insert e-mail address of DER

Alternate (back-up) Program Manager

Insert name of alternate DER

Insert phone number and extension of alternate DER

Insert e-mail address of alternate DER

Further information may be obtained from the USDOT's Office of Drug and Alcohol Policy and Compliance website: <https://www.transportation.gov/odapc> and the Federal Transit Administration's (FTA) website: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Default.aspx>