

Drug and Alcohol Policy Requirements Checklist

Designated Contact Person and Board Adoption

- Identity of person, office, branch, and/or position
- Proof of policy adoption by Local Governing Board or Other Authorized Official

Covered Employees

- Operation of a revenue service vehicle, in or out of revenue service
- Operation of a non-revenue vehicle requiring a CDL
- Controlling movement or dispatch of a revenue service vehicle (*determined by employer*)
- Security personnel who carry firearms
- Maintenance of a revenue service vehicle
- Contractor employees stand in the shoes of Transit System employees also have to comply

Prohibited Substances

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine
- Alcohol

Pre-Employment

- Negative test before 1st SS duty, must make up if cancelled
- Not SS for 90-days and out of pool need pre-employment test
- Applicant who failed/refused must show evidence of treatment
- If alcohol test, must follow Part 40 regulations

Reasonable Suspicion

- Trained supervisor
- Physical behavior, performance, contemporaneous observation

Post-Accident

- Fatality
- Medical treatment away from scene, unless driver discounted
- Drug test within 32 hours
- Alcohol within 8 hours
- No test 2 hours, create note, no test 8 hours, update note
- Readily available or refusal to test
- Readily available stayed for resolution and medical treatment

Return-to-Duty and Follow-up

- Conducted in accordance with Part 40, subpart 0

Random

- Scientifically valid selection method
- Testing is conducted on all days and hours throughout the year
- Unannounced and immediate
- No discretion by management or operations

Prohibited Behavior

- Alcohol use 4 hours prior, on call, while performing SS duty
- Alcohol use 8 hours after accident or until PA test

Period of Coverage

- Drug test – anytime while on duty
- Alcohol test – just before, during, or immediately after safety-sensitive duty

Testing Methods

- Drug and alcohol tests – detailed discussion in policy now optional
- It is only necessary to reference Part 40, but if referenced, copies must be available for employees

Test Requirement

- All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with Part 655

Test Refusal

- Failure to provide breath or urine sample
- Insufficient volume without valid medical explanation
- Tampering, adulterating, or substituting specimen
- Failing to appear within a reasonable time – *defined by employer*
- Leaving the scene of an accident without just cause prior to submitting to a test
- Leaving collection facility prior to test completion
- Failing to permit an observed or monitored collection when required
- Failing to take a second test when required
- Failing to undergo a medical examination when required
- Failing to cooperate with any part of the testing process
- Failing to sign Step 2 of alcohol test form
- MRO verified adulterated/substituted sample
- Once test is underway, failing to remain at site and provide a specimen
- For pre-employment, NOT refusal: Failure to appear
- For pre-employment, NOT refusal: Failure to remain at site prior to commencement of the test
- For pre-employment, NOT refusal: Aborting the collection before the test commences
- No claim that refusal to take a company test is a refusal to DOT test

Consequences

- Positive Drug or alcohol (*above 0.04*) test result or test refusal
- BAC (*0.02 to 0.039*)
- Dilute negative
- Dilute negative results 2-5 mg/dl
- Immediate remove employee from safety-sensitive position
- Refer for assessment by a Substance Abuse Professional
- Apply transit system disciplinary policy
- SAP referral required
- All employees/applicants must be given valid contact information for a USDOT-qualified SAP if they test positive

Additional Employer Provisions Allowed

- Must be identified
- The provisions of the Drug Free Workplace Act of 1988 may be incorporated in the policy statement but must be so identified

Compliance Tips

- Effective date of policy - normally found on cover of policy
- Policy distribution – employees should be requested to sign a confirmation of receipt form
- Make sure future revisions of a substantive nature also receive Board approval
- Make sure all employees have the most current version of the policy
- Clearly differentiate between FTA and company authority