

# **Prescott Transit Authority**

## **Substance Abuse Policy Statement**

**Effective: February 2010**

# Prescott Transit Authority Substance Abuse Policies and Procedures

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## Substance Abuse Policies and Procedures

### 1.0 POLICY

Prescott Transit Authority is dedicated to providing safe, dependable, and economical

Transportation services to our transit system passengers. Prescott Transit Authority employees are our most valuable resource and it is our goal to provide a healthy, safe, and satisfying working environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner.
2. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse.
3. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances.
4. To encourage employees to seek professional assistance anytime-personal problems, including alcohol or drug dependency which will adversely affect their ability to perform their assigned duties.

### 2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and the 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 (USDOT) has published regulations in 49 CFR Part 653 and Part 654, as amended, that mandate urine drug testing and breath alcohol testing for transit employees in safety sensitive positions and prohibits covered employees from performing safety-sensitive functions when they have received a positive test result.

The USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath samples for drug and alcohol tests. 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 reporting of certain drug-related offenses to the FTA.

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### 3.0 APPLICABILITY

This policy applies to all safety-sensitive employees including part-time employees, contract employees, and contractors when they are on transit property or when performing any transit-related safety sensitive business for Prescott Transit Authority. A safety-sensitive function is any duty related to the safe operation of mass transit service including:

1. Drivers regardless of license category
2. Personnel who control the operation of the vehicles (dispatcher, scheduler)
3. Mechanics
4. Supervisor's who could perform any of the above duties.
5. Any transit employee who holds a CDL and performs a function requiring a CDL and is not covered by a category above. (Non-revenue service vehicles operator).

This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on transit premises or performing work for Prescott Transit Authority and will not be permitted to conduct transit business if found to be in violation of this policy.

### 4.0 PROHIBITED SUBSTANCES

Prohibited Drugs addressed by this policy under FTA are Marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

#### 4.1 ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.812), and as further defined by 21 CFR 1300.11 through 1300.15. 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 US Drug Enforcement Administration or the US Food and Drug Administration.

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### 4.2 LEGAL DRUGS

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. (However, the use of any substance, which carries a warning label that indicates that mental functioning, motor skills or judgement may be adversely affected, must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.)

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug appropriate for a medical condition and used in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

### 4.3 ALCOHOL

The use of beverages containing alcohol or substances including medications, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing transit business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by a certified evidential breath-testing device.

## 5.0 PROHIBITED CONDUCT

### 5.1 Manufacture, Trafficking, Possession, and Use

Transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances on transit authority premises, in transit vehicles, in uniform, or while on transit authority business.

Employees and other persons under this policy who violate this provision will be subject to suspension and/or termination.

Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

### 5.2 Intoxication/Under the Influence

A drug or alcohol test is considered positive if the individual is found to have a confirmed, quantifiable presence of a prohibited substance in the body above the minimum threshold defined in 49 CFR Part 40, as amended or if the individual refused to take a test as defined in section 5.4.

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### 5.3 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. Breath alcohol concentrations greater than .04 is prohibited. Alcohol consumption is prohibited during the following conditions:

- Four (4) hours prior to reporting for duty
- While on duty
- Eight hours after an accident or until tested
- When the employee is scheduled to be on-call

Employees whose alcohol concentration levels are **verified to be over .04** shall be immediately removed from their safety-sensitive duties until they have been re-tested and the results are under .04.

### 5.4 Compliance with Testing Requirements - Refusals

All safety-sensitive employees are required to comply with the FTA regulation as a condition of being hired and of continued employment. Employees who refuse to take the tests will be treated as having had a positive alcohol test result of .04 or greater and/or a positive drug test. Behavior constituting a refusal is as follows:

1. Refusal to take a test
2. Failure to appear for a test in the time allotted when sent by the agency
3. The inability to provide sufficient volume of urine sample or breath sample without a valid medical explanation. A medical condition can not be used as a continued excuse for the inability to be tested.
4. Tampering with or attempting to adulterate the specimen or the collection procedure
5. Leaving the scene of an accident without a valid reason before the tests have been conducted

### 5.5 Notifying the Transit System of a Criminal Drug Conviction

All employees are required to notify the transit system 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 the termination of the employee.)

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### 5.6 Proper Application of the Policy

The transit system is dedicated to assure the 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 regards to subordinates, shall be terminated from employment.)

## 6.0 TESTING PROCEDURES:

### 6.1 Conditions for Testing

#### A. Pre-employment/pre-duty testing

All safety-sensitive and non- safety sensitive position applicants shall undergo urine drug testing immediately upon the direction of the personnel department or person authorized to hire. Receipt by the Prescott Transit Authority of a negative drug test result is required for all CDL drivers prior to employment. An offer of employment will be made only if the test is negative. Any employee transferring into a safety-sensitive position must have a drug and alcohol test prior to performing those duties.

Any covered employee who has been off work for more than six months (e.g. illness, workman's compensation, etc.) may also be tested prior to their resuming their duties.

#### B. Reasonable Suspicion Testing

All safety-sensitive employees may be subject to a fitness for duty evaluation consisting of both a drug and alcohol test when there have been specific, observed, articulable evidence by a supervisor trained in detecting drug and alcohol symptoms. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term symptoms of substance abuse and alcohol misuse. A referral for testing is not an accusation, but rather a means to obtain objective data to determine whether or not the employee is under the influence of a prohibited substance. Examples of signs for a reasonable suspicion referral could include, but are not limited to the following:

1. Physical signs and symptoms consistent with prohibited substance use.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol on transit property or while on duty.



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3. Occurrence of a serious or potentially serious non-vehicle accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (defined as physical contact), and/or assaults or flagrant disregard of other appropriate operating procedures.

Only a supervisor who reasonably concludes that an employee may be unfit to perform his/her duties must make reasonable suspicion referrals. This includes referrals for subordinate employees, other supervisors/managers covered by the policy.

### C. Post-Accident Testing

Any driver and employee in the vehicle, at the time of the accident, will be required to undergo drug and alcohol testing if they are involved in a vehicle accident with a Prescott Transit Authority vehicle regardless of whether or not the vehicle is in revenue service at the time of the accident. Because Prescott Transit Authority maintains its own vehicles, mechanics are also subject to testing after an accident if the vehicle just came out of maintenance and/or it is determined that the mechanic(s) could have contributed to the accident through a failure to perform a procedure or perform a procedure correctly. Testing will be mandatory under the following conditions:

1. Accident results in a fatality.
2. Non-Fatal Accidents
  - a. If the accident produces injuries that require transportation to a medical facility.
  - b. If the vehicle incurs disabling damage as a result of the accident which requires it to be towed, or if to move the vehicle causes more damage than if towed.

Following an accident, the driver and other appropriate employees in safety-sensitive positions that could have contributed to the accident will be tested. Test to be administered, if possible, within two hours of the accident, but not to exceed eight hours for the alcohol test and 32 hours for the drug testing. Any safety-sensitive employee involved in the accident can not use alcohol for eight hours following the accident or until he/she has undergone a post accident test. Any covered employee who leaves the scene of the accident without justifiable reason prior to submission to drug and alcohol testing will be considered to have refused the test and therefore the tests will be considered positive. The employee is then subject to the consequences of positive tests stated in this policy. Justifiable reasons are as follows: To be treated for an injury; when directed by law enforcement personnel; to secure emergency response personnel assistance at the accident scene.

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### D. Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced testing. The selection of the safety-sensitive employees for random testing will be made by a computer generated scientifically valid method that only identifies an individual by a number. The random selection method ensures that each covered employee will have an equal chance of being selected each time selections are made. 50% of the covered random pool will be tested annually for drugs and 25% of the covered pool will be tested annually for alcohol misuse. A covered employee could be selected for only a drug test, an alcohol test, or for both at any selection time. The random tests will be unannounced and spread throughout the year.

Prescott Transit Authority is performing random selection in house. An employee will be notified prior to performing duties, during the performance of his/her duties, or immediately after the completion of those duties. The employee must report to a collection site as directed by the agency immediately upon notification. Failure to report to the testing site within the designated time allotted will constitute a refusal to test and therefore will result in the test results being considered positive.

### E. Positive Results of In House Testing:

Employees with a positive result from the in house test will be escorted to Bradshaw Mountain Labs/LabCorp for definitive testing.

### F. Termination:

A positive test result from Bradshaw Mountain Labs will be grounds for immediate termination. This is to be determined by the Division Director and Personnel Manager.

### G. Return - To - Duty

All safety-sensitive employees who previously tested positive on a drug or alcohol test must be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. If the employee is allowed to return to work, the employee must submit to an alcohol and drug test with a negative test result (below 0.04 for alcohol) before being allowed to perform their safety-sensitive duties.

# Prescott Transit Authority Substance Abuse Policies and Procedures

I the under-signed acknowledge receipt of the Prescott Transit Authority's Substance Abuse Policy and will conform to said policy.

Name: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date