



Greater Cleveland
Regional Transit Authority

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Cleveland, Ohio 44113-1302
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MEETING NOTICE

Notice is hereby given that the following meeting of the Board of Trustees of the Greater Cleveland Regional Transit Authority will take place on **Tuesday, June 15, 2021** in the Board Room of the Authority, 1240 West Sixth Street, Cleveland, OH 44113 for consideration of the listed items and such other items that may properly come before the Board and be acted upon.

In accordance with Sub. H.B. 404 of the 133rd General Assembly, passed on November 19, 2020, signed by the Governor of the State of Ohio on November 22, 2020 and the March 9, 2020 order of the Governor of the State of Ohio declaring a public health emergency, this meeting will be live-streamed on RTA's Facebook page (www.facebook.com/rideRTA) for staff and members of the public. **Only Board members and required RTA staff will be allowed in the Board Room.** The meeting package will be posted on RTA's website at (www.riderta.com/board), on RTA's Facebook page, and RTA's Twitter page.

- 9:00 A.M. Organizational, Services & Performance Monitoring Committee
- RFP Procurement – A presentation on a negotiated procurement for a consultant to provide performance management services.
- Operational, Planning & Infrastructure Committee
- RFP Procurement - A presentation on a competitive negotiated procurement for a rail grinding management consultant.
 - RFP Procurement – A presentation on a competitive negotiated procurement for on-call surveying services.
 - Utility Agreement – A presentation on a proposed utility agreement to provide power to the new Warrensville/Van Aken Rail Substation.
 - Defeasance of Debt – Presentation of Defeasance of outstanding debt.
- Committee of the Whole
- Code Book Updates – Presentation on various provisions in the Human Resources part of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority.

A handwritten signature in black ink, appearing to read 'Floun'say R. Caver, Ph.D.', is written over a light blue horizontal line.

Floun'say R. Caver, Ph.D.
Acting General Manager, Chief Executive Officer

AGENDA

RTA ORGANIZATIONAL, SERVICES & PERFORMANCE MONITORING COMMITTEE

Tuesday, June 15, 2021

Committee Members: Mayor Michael P. Byrne, Chair
Ms. Karen Gabriel Moss
Ms. Roberta Duarte
Mr. Leo Serrano
Mayor David E. Weiss

- I. Roll Call
- II. RFP Procurement – A presentation on a negotiated procurement for a consultant to provide performance management services.

Presenters:

- India L. Birdsong, General Manager, Chief Executive Officer
- Ashley Bober, Contract Administrator

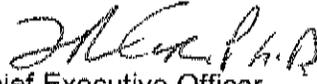
- III. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: Floun'say R. Caver, Ph.D. 
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: Summary of Award – Performance Management Services

This is a procurement to provide the Authority with a qualified firm to provide quarterly initiative development and performance management implementation services.

At the June 15, 2021, Organizational, Services & Performance Monitoring Committee meeting, we will make a presentation of the procurement process and staff recommendation for contract award. Attached is the summary for this contract award. We will be requesting that the Organizational, Services & Performance Monitoring Committee recommend the award of this contract at the June 29, 2021 meeting of the Board of Trustees.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

FRC/MD
Attachment

AGENDA

RTA OPERATIONAL PLANNING & INFRASTRUCTURE COMMITTEE

Tuesday, June 15, 2021

Committee Members: Mr. Terence Joyce, Chair
 Ms. Karen Gabriel Moss, Vice Chair
 Mayor Michael P. Byrne
 Ms. Luz N. Pellot
 Mr. Leo Serrano

I. Roll Call

II. RFP Procurement – A presentation on a competitive negotiated procurement for a rail grinding management consultant.

Presenters:

- Joseph Shaffer, Director - Engineering & Project Development
- Ashley Bober, Contract Administrator

III. RFP Procurement – A presentation on a competitive negotiated procurement for on-call surveying services.

Presenters:

- Ken Folk, Resident Engineer/Architect
- Jonathan Laule, Contract Administrator-Construction and Engineering Procurement

IV. Utility Agreement – A presentation on a proposed utility agreement to provide power to the new Warrensville/Van Aken Rail Substation.

Presenter:

- Robert Piggery, Engineering Project Manager-Electrical

V. Defeasance of Debt – Presentation of Defeasance of outstanding debt.

Presenter:

- Kay Sutula, Director, Office of Management and Budget

VI. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: Floun'say R. Caver, Ph.D. *Floun'say R. Caver, Ph.D., Acting*
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: Competitive Negotiated Procurement
Engineering Services for Rail Grinding Program Management

At the June 15, 2021 Operational Planning and Infrastructure Committee meeting, staff will present a Summary of the Proposed Award of Rail Grinding Program Management Services. This project include inspection of the existing rail profile, wheel and rail profile optimization recommendations, rail grinding contract specification development, and the quality control and quality assurance of the rail grinding contractor.

The Summary of Proposed Award is attached.

Staff will request that the Operational Planning and Infrastructure Committee recommend advancing Proposed Award to the full Board for approval at the June 29, 2021 meeting.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

FRC/KAM



To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: Floun'say R. Caver, Ph.D. *Floun'say R. Caver, Ph.D.*
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: On Call Surveying, Phase 6
Project 19.07
RFP 2021-056

At the June 15, 2021 meeting of the Operational Planning and Infrastructure Committee, RTA staff will provide an overview of the upcoming contract for On Call Surveying Services, Phase 6. A Request for Proposals (RFP) was issued on April 19, 2021. The presentation will include the scope of work and staff recommendation of contract award.

This contract will be principally utilized to provide the services of surveying to support GCRTA projects and property management. These services will assist GCRTA staff in obtaining title reports, legal descriptions, existing conditions, utility locations, structure locations, property boundaries, right of ways and assure project design quality. Projects will be scheduled at GCRTA discretion.

The Summary of Proposed Award is attached.

Staff will request that the Operational Planning and Infrastructure Committee recommend award of this contract to the full Board for approval at the June 29, 2021 meeting.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

FRC/kaf



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustee

From: Floun'say R. Caver, Ph.D. *Floun'say R. Caver, Ph.D.*
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: Proposed Utility Agreement
Warrensville/Van Aken Substation Reconstruction

At the June 15, 2021 meeting of the Operational Planning and Infrastructure Committee, RTA staff will present the recommendation for entering into a proposed utility agreement with The Illuminating Company to provide 33KV power and equipment for the construction of the new Warrensville/van Aken Substation.

The proposed agreement shall include the construction of a new manhole at the intersection of Tuttle Road and the RTA Busway just south of the Warrensville/Van Aken Rail Station, underground 4-5" duct bank, switch gear, reclosure units, and other appurtenances to connect to the new substation located northwest of the existing station and tracks.

Staff will request that the Operational Planning and Infrastructure Committee recommend that the proposed utility agreement be moved to the full Board for approval at the June 29, 2021 meeting.

FRC:mjs



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: Floun'say R. Caver, Ph.D. *J. Lucas Ph.D.*
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: Defeasance of Long Term Debt

At the June 15, 2021 Operational Planning and Infrastructure Committee meeting, staff will present on the defeasance of certain Sales Tax Supported Bonds. The presentation will include information on the resolution needed for the debt defeasance.

The resolution will be for the authorization to defease certain outstanding Sales Tax Supported Bonds, totaling approximately \$60 million. This action will result in net present value savings of approximately \$11.5 million on the defeased bonds. This defeasance will eliminate debt from the Authority's books from 2031 through 2039, enabling the Authority to use these funds for capital and/or operations.

After closing, a memo will be mailed to each Board member with the final numbers for the defeasance. If you have any questions or require additional information prior to Tuesday's meeting, please contact me at 356-3102 or Rajan Gautam at 356-3108.

FRC/CW

REVISED AGENDA

RTA COMMITTEE OF THE WHOLE BOARD

Tuesday, June 15, 2021

Committee Members: President Charles P. Lucas (Chair)
 Ms. Karen Gabriel Moss (Vice Chair)
 Mayor Michael P. Byrne
 Ms. Roberta Duarte
 Mr. Terence P. Joyce
 Mayor Paul A. Koomar
 Ms. Valarie J. McCall
 Ms. Luz N. Pellot
 Mr. Leo Serrano
 Mayor David E. Weiss

- I. Roll Call

- II. Code Book Updates – Presentation on various provisions in the Finance and Human Resources part of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority.

Presenter:

- Dawn Tarka, Associate Counsel

- III. Adjourn



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: Floun'say R. Caver, Ph.D. *Floun'say R. Caver, Ph.D.*
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: Finance Code Update

At the June 15, 2021 Committee of the Whole meeting, staff will present proposed revisions to the Authority's Finance Code, specifically the Energy Price Risk Management Policy.

The proposed revisions to the policy include:

1. Removing language stating that GCRTA's consumption of ultra-low sulfur diesel fuel is highly predictable, because it has become less predictable in recent years.
2. Removing references to swaps and derivative transactions, which are types of transactions that GCRTA does not use.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

Attachments: Red-line of Chapter 480

FRC/dmt

Red-line of Chapter 480

CHAPTER 480
Energy Price Risk Management
Policy

- 480.01 Mission statement.
 - 480.02 Program infrastructure.
 - 480.03 Physical supply.
 - 480.04 Strategy.
 - 480.05 Execution, monitoring and reporting.
 - ~~480.06 Swaps, derivatives, and fuel futures contracts; eligible financial institutions designated.~~
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480.01 MISSION STATEMENT.

(a) The Greater Cleveland Regional Transit Authority (“GCRTA”) will establish and maintain an energy price risk management program (as permitted by Ohio R.C. § 9.835 ~~(A), (B) and (C) which qualifies Ohio R.C. § 135.14~~ (hereinafter “Program”) that will:

- (1) Seek to ~~mitigate the impact of the volatility of fuel cost on GCRTA budget~~ decrease the volatility of fuel cost;
- (2) Seek to increase the likelihood that actual net fuel cost will remain below the budgeted cost;
- (3) Seek to increase the certainty of future fuel cost;
- (4) Seek to attain a lower overall cost of fuel in the long-term;
- (5) Seek to manage year-over-year changes in fuel cost.

(b) The purpose of ~~GCRTA's energy price risk management program~~ the Program is not to make or lose money but to manage risk. This ~~program~~ Program is not an investment and should not be construed as such. Cash flows produced or consumed by the Program will be considered as an element of fuel cost. (Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.02 PROGRAM INFRASTRUCTURE.

(a) Instruments. The GCRTA will establish and maintain a ~~Futures Account~~ futures account with a ~~Futures Broker~~ futures broker (Futures Commission Merchant). GCRTA will engage an advisor (“Advisor”) to determine financial strategies which will facilitate the Program. Within this account, the GCRTA will, with the advice of the Advisor, acquire, hold, and dispose of positions in exchange-traded futures contracts according to the strategies in order to operate the Program. ~~The GCRTA will consider various financial instruments (e.g. fixed price contract, price floor discount, maximum price contract, minimum/maximum price contract, fixed price value trigger, and trigger price contract or others deemed prudent) in concert with this policy.~~ These Future ~~futures~~ Contracts ~~contracts~~ instruments will enable the GCRTA to ~~fix the cost of ultra-low~~

~~sulfur diesel fuel (“Fuel”) in forward periods providing budget stability, determine the range of price volatility and variability.~~

(b) Maximum Hedge Ratio. ~~GCRTA's fuel consumption is highly predictable and without significant variability over time. Given this, t~~The maximum hedge ratio will be ninety percent of forecasted consumption. This means that the Program will not hedge more than ninety percent of GCRTA’s forecasted needs within any fiscal year ~~and will not liquidate/offset futures contracts within a single calendar month that represent more than ninety percent of forecasted consumption in that month.~~

(c) Maximum Hedge Maturity. The maximum allowed maturity of Ultra-Low Sulfur Diesel Fuel~~heating oil~~ futures is thirty-six months from the date of acquisition~~acquisition~~.

(d) Exiting Market Positions. Market positions will be exited as ~~fuel-Fuel~~ Fuel is consumed to make the end of the hedge and the pricing of ~~fuel-Fuel~~ Fuel simultaneous. Futures contracts will otherwise be held to maturity and there will be no interim trading allowed. The only exception to this is if the forecasted ~~fuel-Fuel~~ Fuel usage decreases in which case the hedge position ~~may~~will be adjusted to comply with ~~Policy~~this energy price risk management policy (“Policy”). Futures contracts will not be exited early for the purpose of generating a profit.
(Res. 2008-110. Passed 7-15-08; Res. 2009-40. Passed 5-19-09. Res. 2021-XXX. Passed XX-XX-XX.)

480.03 PHYSICAL SUPPLY.

The physical supply of ~~fuel-Fuel~~ Fuel will continue according to the current process of GCRTA. The physical supply will be priced according to a daily floating price determined by the supply contract.
(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.04 STRATEGY.

- (a) The Strategy is how the Program's objectives are achieved.
- (b) The Strategy will utilize a process:
 - (1) That addresses market opportunities and market risks;
 - (2) That holds the risk of exceeding budget at or below an acceptable level;
 - (3) That uses historical pricing ranges as pricing parameters;
 - (4) That is continuous;
 - (5) That will use dollar cost averaging as a tool;
 - (6) That mitigates transaction timing ~~risk~~ by making more numerous smaller volume transactions, i.e. 42,000 gallons per transaction.

(c) These things will be accomplished by the Advisor executing the appropriate transactions at the appropriate times to create the desired effect within the constraints of the Policy in consultation with GCRTA.
(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.05 EXECUTION, MONITORING AND REPORTING.

(a) The Advisor will be responsible for the day-to-day execution of the Program including the execution of transactions, generating reports on the Program's status and results, and monitoring the Program and the energy markets.

(b) The Advisor will generate a weekly update on the status and results of the Program, including an analysis of market risk, on at least a monthly basis.

~~The Advisor will generate a monthly report regarding the status and results of the Program including an analysis of risk.~~

(c) The Advisor will generate a monthly report summarizing the activity in the futures account.

(d) GCRTA will have online access to~~receive~~ daily and monthly statements from the futures broker.

(e) The online access will be given to~~reports will be received by the~~ appropriate individuals at GCRTA. Oversight of the Program will be primarily the responsibility of the Oversight Panel at GCRTA Accounting Department in the Finance Division.

(f) Reporting Presentations to the Board on the performance of the Program will occur periodically as the Board deems appropriate.
(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

~~**480.06 SWAPS, DERIVATIVES, AND FUEL FUTURES CONTRACT; ELIGIBLE FINANCIAL INSTITUTIONS DESIGNATED.**~~

~~The General Manager, Chief Executive Officer is hereby authorized to enter into agreements with 3rd parties for the execution of execute fuel futureshedging contracts, as well as contracts for the purchase of swaps and derivatives with financial institutions governed by the International Swaps & Derivatives Association ("ISDA") and documents necessary for the executors and/or performance of these contracts.~~

~~ISDA agreements may be made with Key Bank, Fifth Third Bank and, any other institution qualified by the ISDA.~~

~~The GCRTA Procurement Department is authorized to solicit bids from those financial institutions with which the General Manager, Chief Executive Officer has entered into ISDA agreements, including but not limited to Key Bank and Fifth Third Bank, when it determines that entering into said contracts would be advantageous to the GCRTA.~~

~~The General Manager, Chief Executive Officer is hereby authorized to enter into hedging contracts and to enter into contracts for swaps and derivative transactions with whichever ISDA-qualified institution provides the price most advantageous to the GCRTA.~~

~~The purchase of fuel hedging contracts will be funded through a line of credit with National City Bank. Payment for the purchase of swaps and derivatives is the difference between the bid price for these contracts and the market price. In the event this difference is not sufficient, payment will be made from the General Fund.~~

~~(a) The Director of Procurement is hereby directed to forward certified copies of this section to the entities approved to execute contracts under the Energy Price Risk Management Program.
(Res. 2008-170. Passed 1-13-09.)~~



Greater Cleveland
Regional Transit Authority

Interoffice Memo

To: Rev. Charles P. Lucas, President
and Members, Board of Trustees

From: Floun'say R. Caver, Ph.D. *Floun'say R. Caver, Ph.D.*
Acting General Manager, Chief Executive Officer

Date: June 10, 2021

Subject: Human Resources Code Update

At the June 15, 2021 Committee of the Whole meeting, staff will present proposed revisions to the Authority's Human Resources Code.

The proposed revisions to the policy include:

1. Removal of Sections 648.02 and 648.03 from the Codified Rules and Regulations ("Code Book") as duplicative of Sections 600.02 and 600.03 the Personnel Policies.
2. Moving Chapter 626 Substance Abuse Policy for Safety Sensitive Employees from the Code Book to Section 600.031 of the Personnel Policies.
3. Moving Chapter 627 Substance Abuse Policy for Non-safety Sensitive Employees from the Code Book to Section 600.032 of the Personnel Policies.

The proposed revisions will not change the content of the policies.

Please call me if you have any questions or require additional information prior to Tuesday's meeting.

Attachments: Red-line of Code Book Sections 648.02 and 648.03
Red-line of Code Book Chapter 626
Red-line of Code Book Chapter 627
Red-line of Personnel Policies 600.02 and 600.03

FRC/dmt

**Red-line of
Code Book
Sections 648.02 and
648.03**

~~648.02—DRUG-FREE WORKPLACE.~~

~~(a) The Drug Free Workplace Act requires that grantees of Federal agencies certify that they will provide a drug free workplace. It applies to all employees within the Authority and contractors engaged in the performance of a grant or a cooperative agreement regardless if the functions are safety sensitive or non safety sensitive in nature. Accordingly, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.~~

~~(b) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace and/or outside GCRTA workplace is required to notify his/her supervisor in writing no later than five working days following his/her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~648.03—SUBSTANCE ABUSE.~~

~~(a) It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. Toward that end the GCRTA has two substance abuse policies. One policy is for safety sensitive employees and one is for non safety sensitive employees.~~

~~(b) For safety sensitive employees the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with FTA requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to specific testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.~~

~~(c) For non safety sensitive employees the policy requires such employees to submit to testing for the presence of drugs and/or alcohol at the time of a post-employment offer physical exam; any work related physical exam; when there is reasonable suspicion; and as a condition of discipline for previous offenses under the policy.~~

~~(d) The Authority encourages participation in the Employee Assistance Program (EAP) for those employees who are plagued by problems associated with drugs or alcohol. Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.~~

~~(e) For more information refer to the Substance Abuse Policy for Safety Sensitive Employees and Substance Abuse Policy for Non-Safety Sensitive Employees. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

**Red-line of
Code Book
Chapter 626**

~~CHAPTER 626~~
~~Substance Abuse Policy for Safety Sensitive Employees~~

~~EDITOR'S NOTE: This chapter, originally a codification of Resolution 1989-55, passed April 18, 1989, and Resolution 1994-229, passed December 20, 1994, was re-enacted in its entirety by Resolution 1998-24, passed February 17, 1998. Resolution 1998-24 was repealed by implication by Resolution 1999-102, passed July 20, 1999. Resolution 1999-102 was repealed by Resolution 2002-50, passed March 19, 2002, codified herein.~~

~~626.01 Purpose/scope.~~

~~626.02 Reference(s).~~

~~626.03 Objectives.~~

~~626.04 Definitions.~~

~~626.05 Policy application.~~

~~626.06 Circumstances which warrant testing.~~

~~626.07 Specific testing requirements.~~

~~626.08 Types of testing required.~~

~~626.09 Testing protocols.~~

~~626.10 Action to be taken upon receipt of positive test results or refusal to test.~~

~~626.11 Disciplinary consequences of drug use and misuse of alcohol.~~

~~626.12 Responsibility for program administration.~~

~~626.13 Confidentiality of records.~~

~~CROSS REFERENCES~~

~~Safety authority—see 49 U.S.C.A. 1618—~~

~~Drug offenses—see Ohio R.C. Ch. 2925~~

~~Controlled substances—see Ohio R.C. Ch. 3719—~~

~~Liquor law—see Ohio R.C. Title 43~~

~~Substance abuse policy for non-safety sensitive employees—see PERS. Ch. 627~~

~~626.01 PURPOSE/SCOPE.~~

~~It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.02 REFERENCE(S).~~

~~This policy is written in conjunction with rules and regulations as defined by:~~

- ~~(a) 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule, Federal Register (pp. 79462—79579); December 19, 2000; Federal Register (pp.43946—43964) July 25, 2003.~~
- ~~(b) 49 CFR Part 655; Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, Final Rule, Federal Register (pp. 41996—42036), August 9, 2001.~~
- ~~(c) 49 CFR Part 29, Drug Free Workplace Act of 1998.~~
- ~~(d) FTA Drug and Alcohol Regulation Updates.~~
- ~~(e) GCRTA Employee Performance Code.~~
- ~~(f) Federally mandated laboratory testing limits (Addendum D). (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.03 OBJECTIVES.~~

~~The objectives of this policy are:~~

- ~~(a) To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.~~
- ~~(b) To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.~~
- ~~(c) To clearly and concisely outline the procedures required to comply with the federal regulations.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.04 DEFINITIONS.~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

- ~~(a) "Accident" means an occurrence associated with the operation of a vehicle, if as a result:
 - ~~(1) An individual dies;~~
 - ~~(2) One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident;~~
 - ~~(3) An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or~~
 - ~~(4) An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.~~~~

- ~~(b) "Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.~~
- ~~(c) "Cancelled test" is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.~~
- ~~(d) "Contractor" means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.~~
- ~~(e) "Covered employee" means a person, including an applicant or transferee, who performs a safety-sensitive function. A volunteer is considered a covered employee if required to hold a commercial driver's license to operate a vehicle or to perform a safety sensitive function with the expectation of receiving some type of in-kind or tangible benefit.~~
- ~~(f) "Dilute specimen" has creatinine and specific gravity values that are lower than expected for human urine.~~
- ~~(g) "Disabling damage" is defined as "damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair". This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.~~
- ~~(h) "Evidential Breath Testing (EBT) device" is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.~~
- ~~(i) "Intoxicant" includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term "intoxicant" also includes any other substance that alters one's senses or could affect one's ability to function in his/her job.~~
- ~~(j) "Invalid drug test" refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.~~
- ~~(k) "Medical Review Officer" (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer's drug testing~~

~~laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A.)~~

- ~~(l) "Safety sensitive employee" is one who is required to perform safety sensitive functions based on specific job criteria:
 - ~~(1) Operates a revenue service vehicle (in or out of service);~~
 - ~~(2) Operates a non-revenue service vehicle requiring a commercial drivers license;~~
 - ~~(3) Controls dispatch or movement of a revenue service vehicle;~~
 - ~~(4) Maintains a revenue service vehicle or maintains equipment used in revenue service; or~~
 - ~~(5) Carries a firearm for security purposes.~~~~
- ~~(m) "Substance Abuse Professional (SAP)" is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A.)~~
- ~~(n) "Substituted specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.~~
- ~~(o) "Verified test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.05 POLICY APPLICATION.~~

~~(a) This policy applies to all employees who are incumbents in safety sensitive positions, and to all applicants or employees who may apply for or who may transfer to a safety sensitive position.~~

~~(b) The Human Resources Department maintains a list of safety~~

~~sensitive classifications. This list is updated as required when classifications are added or eliminated. (See Addendum B for a list of safety sensitive classifications.)~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.06 CIRCUMSTANCES WHICH WARRANT TESTING.~~

~~According to the FTA regulations, all safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required).~~

~~(a) FTA requires drug and alcohol testing to be performed under the following circumstances:~~

- ~~(1) Employment drug testing or prior to the transfer of any employee from a non-safety sensitive position to a safety sensitive position;~~
- ~~(2) When there is a "reasonable suspicion" of employee drug/alcohol use;~~
- ~~(3) When an employee is involved in a fatal or non-fatal accident under FTA criteria; as described in Section 626.08(d) of this Policy;~~
- ~~(4) When an employee is selected for random testing;~~
- ~~(5) Following the successful completion of a SAP-determined rehabilitation program for return to duty testing (see policy Section 626.08(e));~~
- ~~(6) When an employee is subject to follow up testing as specified by a SAP (see policy Section 626.08(e)).~~

~~(b) GCRTA will require testing under the following circumstances:~~

- ~~(1) Drug and alcohol testing as a condition of discipline due to previous offense under this Policy;~~
- ~~(2) Drug and alcohol testing when an employee is involved in a non-fatal accident not covered under FTA testing requirements but meets GCRTA criteria as described in Section 626.08(d) of this policy.~~
- ~~(3) Drug testing at the time of, or during a work-related physical examination such as a biennial physical.~~

~~(c) Pre-Duty Use of Alcohol. All covered employees are prohibited from using alcohol within four hours prior to performing safety sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety sensitive functions. Documentation for reasonable suspicion for alcohol misuse should be completed and testing performed based on the information obtained.~~

- ~~(1) An unscheduled employee who is called to report to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.~~
- ~~(2) If the unscheduled employee acknowledges the use of alcohol, but claims ability to perform a safety sensitive function, an alcohol test must be performed with a breath alcohol test result of less~~

than 0.02 before the employee is permitted to begin work.

- ~~(d) On Call Employees. The consumption of alcohol is prohibited for covered employees during his or her specified on call hours.~~
- ~~(e) On Duty Use of Alcohol. All covered employees are prohibited from using alcohol while performing safety sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety sensitive functions.~~
- ~~(f) Covered employees with an alcohol concentration of 0.02 or greater are prohibited from reporting for duty to perform a safety sensitive function or remaining on duty while performing a safety sensitive function.~~
- ~~(g) The consumption of marijuana, cocaine, amphetamines, opiates and phenylidene is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.07 SPECIFIC TESTING REQUIREMENTS.~~

~~(a) Federal drug and alcohol testing must be conducted completely separately from non-Federal testing. Further, Federal testing will take priority over the non-Federal collection process.~~

~~(b) No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.~~

~~(c) GCRTA will perform specific drug and alcohol testing that is based on non-related DOT criteria.~~

~~(d) A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.~~

~~(e) DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will not be used when testing is requested under GCRTA authority.~~

~~(f) Each employee tested under Federal or GCRTA requirements will be notified of the purpose for the testing and under whose authority the test is being conducted. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.08 TYPES OF TESTING REQUIRED.~~

~~(a) Employment or Pre-Placement Testing. The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety~~

~~sensitive position to a safety sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined 49 CFR part 40 and will direct applicants/transferring employees to have drug testing after a contingent offer of employment or transfer. A covered employee, including an applicant, may not perform a safety sensitive function until employment drug testing is administered with verified negative results.~~

- ~~(1) Human Resources will investigate drug and alcohol testing records of all applicants for safety sensitive positions and employees intending to transfer to safety sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.~~
- ~~(2) When a covered employee or applicant has previously failed employment drug or alcohol testing, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.~~
- ~~(3) An employee may not transfer to a safety sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.~~
- ~~(4) In the event a drug test is considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug test with verified negative results before starting a safety sensitive position.~~
- ~~(5) Applicants who have not been placed in a safety sensitive position within ninety consecutive calendar days of their initial employment testing will be required to retake the drug test and have verified negative results before starting a safety sensitive position.~~
- ~~(6) Employment testing will also be performed whenever a covered employee has not performed a safety sensitive function for ninety consecutive calendar days regardless of the reason and has not been in the random selection pool during that time. The employee may resume safety sensitive duties after a verified negative drug result.~~

~~(b) Random Testing. The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.~~

- ~~(1) All safety sensitive employees are required to participate in the random testing program for drugs and alcohol. The GCRTA will test safety sensitive employees in accordance with FTA regulated percentages. (See Addendum C of this Policy.)~~
- ~~(2) Random testing is required by FTA to be conducted during all time periods when safety sensitive functions are performed and~~

~~shall be unannounced and unpredictable. Since GCRTA operates twenty four hours a day, seven days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.~~

- ~~(3) A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety sensitive functions; just before the employee is to perform safety sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.~~
- ~~(4) GCRTA utilizes a random selection process that is performed in two steps. Step one is performed by GCRTA's contracted medical provider who receives the average number of safety sensitive employees in the random pool and generates a list of random numbers using a computer based random number generator program. Step two is performed by GCRTA's Occupational Health who enters the selected numbers into a computer based random selection program. GCRTA's random computer program assures that each employee is assigned a different random number each day in the selection period. Thus, each covered employee shall have an equal chance of being tested every day random testing is performed. To assure that the random program is protected from unofficial entry, the computer program has limited access to key personnel at each district and only department specific information is available to those persons. To maintain confidentiality and assure the integrity of the random program, access to all other computer information and data is limited to Occupational Health personnel only.~~
- ~~(5) As required by FTA regulation the random notification and testing process occurs throughout the workday and throughout the selection period. GCRTA's random testing number selection is made once a week and entered into the computer every Friday. Authorized personnel may access the Random Testing Program daily to ascertain the employee(s) from their area that have been selected for random testing for the day.~~
- ~~(6) If the employee is available for testing during their work shift, the safety sensitive employee will be informed that he or she has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety sensitive function and will be immediately transported for testing. It is the policy of GCRTA to transport the employee to the collection site. Once testing is completed, the employee may be required to utilize public transportation to return to their assigned district. The~~

~~employee will follow the procedures established by his or her district whenever this method of return to work is required. Instances of employees violating the established procedures will be investigated and disciplinary action may be taken.~~

- ~~(7) When an employee is not available for random testing on the day of selection, the employee should be tested during their next available shift as long as the test can be performed within the selection week (i.e.: Saturday through Friday).~~
- ~~(8) Every effort will be made to test the individual that has been selected within the selection week. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. In the event an employee is selected who is on long term absence or is on vacation during the selection week, Occupational Health will be notified and a replacement number may be selected.~~

~~(c) Reasonable Suspicion Testing. The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of safety sensitive functions.~~

- ~~(1) Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.~~
- ~~(2) The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.~~
- ~~(3) The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.~~
- ~~(4) Alcohol testing must be based on observations and documented as noted in division (c)(3) of this section and testing shall be performed only if the observations were made while the covered employee was performing safety sensitive functions, just before the employee was to perform safety sensitive functions or just after the employee had ceased performing such functions.~~
- ~~(5) If alcohol testing is not performed within two hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be maintained in Occupational Health. If a test is not administered within eight~~

~~hours following the determination to test, GCRTA will cease attempts to administer the test and a statement will be added to the reasonable suspicion document explaining why testing could not be conducted within eight hours.~~

~~(d) Post Accident Testing. The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post accident testing is mandatory where there is a loss of life and for some non-fatal accidents. In the event of a non-fatal accident, according to the FTA, the burden rests with the Authority to prove that an employee did not contribute to the accident and therefore can be dismissed from testing. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.~~

- ~~(1) In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing. In addition, all other covered employees whose performance may have contributed to the accident, as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.~~
- ~~(2) In the event of a non-fatal accident, FTA drug and alcohol testing is required when one or more individuals suffer bodily injury and immediately receive medical treatment away from the scene of the accident; when a bus, paratransit vehicle or any vehicle involved receives disabling damage; or a rail car is removed from service for disabling damage. All covered employees operating or on duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by the Authority as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.~~
- ~~(3) The decision to not administer a drug and/or alcohol test under FTA guidelines shall be based on the investigating person's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.~~
- ~~(4) The FTA specifically requires that post-accident testing be administered as soon as practicable following the accident. Every attempt should be made to complete alcohol testing within two hours~~

~~of the accident. When it is not possible to perform testing within the two hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight hours, the supervisor will cease attempting and update the two hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for eight hours or until alcohol testing is performed, whichever occurs first after the occurrence.~~

- ~~(5) The drug testing time limit is a maximum of thirty two hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit. Testing time limits for drug and alcohol collection apply to FTA and to GCRTA post accident testing.~~
- ~~(6) A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.~~
- ~~(7) The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.~~
- ~~(8) The Authority may use the post accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by GCRTA. Such test results may be used only when GCRTA is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).~~
- ~~(9) If FTA post accident testing criteria is not applicable, GCRTA will perform non-DOT post accident drug and alcohol testing. Testing will occur when there has been property damage that requires repair or personal injury that is evident at the time of the occurrence, unless the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the decision.~~
- ~~(10) FTA mandated testing takes precedence over GCRTA required testing. The criteria to perform FTA post accident testing will be satisfied before consideration is given to utilize GCRTA criteria. When post accident testing is required based on GCRTA criteria, the collection site will use only non-Federal drug and alcohol testing custody and control forms.~~

~~(e) Return to Duty Testing. The purpose of return to duty testing is to provide a degree of assurance that a safety sensitive employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse.~~

- ~~(1) According to FTA regulations, whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment in a safety sensitive classification meeting the following criteria:
 - ~~A. Has had verified positive drug test result;~~
 - ~~B. Has had a breath alcohol concentration (BAC) of 0.04 or greater;~~
~~or~~
 - ~~C. Has been involved in any other activity that violates the regulations including refusal to submit to testing.~~~~
- ~~(2) Return to duty testing cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety sensitive duties.~~
- ~~(3) Follow up testing will be performed when an employee returns to work as described in division (e)(1) of this section. The purpose of follow up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow up testing will be performed as prescribed by the SAP. Under GCRTA policy, an employee testing positive for any prohibited substance within three years of the original positive test will result in discharge.~~
- ~~(4) The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six follow up tests in the first twelve months following the employee's return to safety sensitive duties. However, more testing may be required based on the SAP's assessment. Follow up testing can be continued for up to sixty months after return to work. The SAP, following completion of the mandatory requirements the first year, may terminate follow up testing. Follow up testing is in addition to the other required drug and alcohol testing as described in this policy.~~
- ~~(5) Follow up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety~~

sensitive functions. Further, the requirements of the SAP's follow-up testing plan "follow the employee" to subsequent employers or through breaks in service.

- (6) A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

~~626.09 TESTING PROTOCOLS.~~

(a) ~~Alcohol Testing.~~ Breath alcohol testing will be conducted on safety sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, print the manufacturer's name for the device, the device's serial number and the time of the test.

- (1) The EBT must have a manufacturer-developed quality assurance plan approved by NHTSA that includes the following requirements:
- A. A designated method to be used to perform external calibration checks of the device;
 - B. A specified minimum interval for performing external calibration checks of the device;
 - C. A specified tolerance on an external calibration check; and
 - D. A specified inspection, maintenance and calibration requirement.
- (2) GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one site. The Breath Alcohol Technician (BAT), will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by 49 CFR Part 40, Subpart J. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.
- (3) With the exception of post accident testing, the testing for alcohol is only permissible just before an employee performs safety sensitive duties, during that performance or just after an employee has performed covered duties. FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage

~~alcohol or in a medicinal or other preparation.~~

~~(4) The alcohol testing procedure is outlined in Addendum F.~~

~~(b) Drug Tests. Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. In the event these optional tests are to be performed, they will be performed separately from FTA required testing under GCRTA authority and with non-federal testing forms. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.~~

~~(1) The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A.) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.~~

~~(2) Under separate contract, specific collection sites are available throughout the Greater Cleveland area that meet DOT 49 CFR Part 40 requirements, are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.~~

~~(3) Collection procedure requires that only Federal drug testing custody and control forms be used for DOT mandated test and non-federal urine custody forms for GCRTA defined testing. Drug testing performed under GCRTA authority will be for the same five drugs as defined by DOT in 49 CFR Part 40.~~

~~(4) Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E.) In order to protect the security and integrity of the urine collection each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Occupational Health on a routine basis to assure integrity of the testing process.~~

~~(5) GCRTA has the right to test for drugs other than those mandated~~

~~by FTA/DOT (ex: marijuana, cocaine, amphetamines, opiates and phenylelidine). In the event the GCRTA chooses to test for other drugs, the test must be performed separately from the FTA testing and the FTA test must be performed first. Separate urine specimens must be obtained from the employee and separate custody and control forms must be processed. A standardized Federal drug testing custody and control form cannot be used. Employees must be notified whether they are being tested under the FTA required program or the GCRTA program.~~

~~(e) Medical Review Officer. In accordance with FTA regulations, when a test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO).~~

~~(1) The Medical Review Officer will interpret the employee's confirmed positive test by the following method:~~

- ~~A. Review the individual's medical history;~~
- ~~B. Afford the employee an opportunity to discuss the test result;~~
- ~~C. Decide whether there is legitimate medical explanation for the result;~~
- ~~D. Inform the employee that he or she has seventy two hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays;~~
- ~~E. Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request;~~
- ~~F. Inform the employee that if the request is made within this seventy two hour timeframe that GCRTA will ensure that the testing will occur;~~
- ~~G. Inform the employee that the cost of the testing is not required to be paid by the employee but GCRTA may request reimbursement;~~
- ~~H. Inform the employee that additional test of the specimen (e.g.: DNA testing) are not authorized; and~~
- ~~I. If split sample testing has been requested, inform the employee to contact Occupational Health at (216) 566-5106 to complete the necessary paperwork for split sample testing to be performed.~~

~~(2) Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum A.)~~

~~(d) Observed Collection Procedure. Direct observed collection will be performed immediately with no advanced warning under DOT requirements-~~

when:

- ~~(1) The collector identifies an attempt to alter a specimen has occurred;~~
- ~~(2) The collector identifies an attempt to tamper with a specimen;~~
- ~~(3) A specimen is reported as invalid because there is no adequate medical explanation for the result;~~
- ~~(4) When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; and~~
- ~~(5) The temperature of the specimen falls out of the range of 90–100° F.~~

~~(c) Dilute Specimen Procedure: When informed by the MRO that positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. However, when informed by the MRO that a negative test was dilute, the following action will be taken:~~

- ~~(1) Recollection will be performed immediately under direct observation if the MRO verifies that the specimen was considered "substituted".~~
- ~~(2) If the specimen is dilute, but not "substituted", recollection will be performed immediately. Unless specified by the MRO or other behaviors have been observed as noted in division (d) of this policy, recollections will NOT be observed.~~

~~(f) GCRTA Observed Collection Procedure. Observed collection may be performed under GCRTA requirements when the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FTA regulation as a return to duty or SAP follow-up test.~~

~~(g) Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.10 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST.~~

~~Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.04 or greater.~~

- ~~(a) When positive drug results are received from the MRO, Occupational Health will immediately notify authorized supervisors. The covered employee will be immediately removed from the safety sensitive position. The appropriate disciplinary action will be implemented as~~

~~outlined by this policy.~~

~~(b) When a positive alcohol result of 0.04 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.~~

~~(c) If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety sensitive position and appropriate disciplinary action will be implemented as outlined by this policy.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.11 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL.~~

~~Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer. Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.~~

~~(a) GCRTA requires of all employees to be free of drugs and alcohol when performing a safety sensitive function. FTA requires that any safety sensitive employee with a verified positive drug test; a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be immediately removed from performing all safety sensitive functions and must be evaluated by a Substance Abuse Professional (SAP).~~

~~(b) Disciplinary Consequences For Positive Alcohol. When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:~~

~~(1) Probationary Employee~~

~~Immediate Discharge~~

~~(2) Non-Probationary Employee:~~

~~A. BAC of 0.08 or greater~~

~~First Offense: Immediate Discharge~~

~~B. BAC of 0.04-0.079~~

~~The FTA regulations prohibit an employee with an alcohol concentration of 0.04 or greater to perform a safety sensitive duty until she or he has been evaluated by a SAP and has passed a return to duty test.~~

~~First Offense will result in a thirty calendar day conditional suspension with referral to SAP. The employee must participate in~~

~~the program prescribed by the SAP and must undergo a follow-up test and test less than 0.02 prior to returning to a safety sensitive function. The failure to comply with the SAP's treatment will result in discharge. Return to work drug/alcohol testing must reveal negative results. Should the employee test 0.02 or more on the return to work test, the employee will be subject to discipline, up to and including discharge.~~

~~Second Offense Within Three Years: Discharge~~

~~C. BAC of 0.02 — 0.039~~

~~In the event that an employee has a breath alcohol concentration of 0.02 or greater but less than 0.04 and the employee is required to return to a safety sensitive position before eight hours, FTA requires breath alcohol re-testing. The breath alcohol concentration must be less than 0.02 before the employee may perform a safety sensitive function.~~

~~However, in the event the employee is not required to return to a safety sensitive position before eight hours, the following GCRTA policy will be followed:~~

~~C. BAC of 0.02 — 0.039
(Cont.)~~

~~Immediately remove the employee from the safety sensitive position for eight hours. When an employee has been removed from a safety sensitive position for at least eight hours after a BAC of 0.02 or greater, but less than 0.04, the employee will be required to undergo a second test with a result below 0.02 BAC prior to being permitted to return to performing their safety sensitive function.~~

~~Should the employee again test 0.02 or greater but less than 0.04 BAC, the employee will be referred for SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow up test under GCRTA testing authority with a test level less than 0.02 BAC prior to being returned to a safety sensitive function. Failure to comply with the SAP's recommended treatment program will result in discharge.~~

~~Should the employee again fail to test less than 0.02 BAC, the employee will be subject to discipline up to and including discharge.~~

~~Second Offense Within A Three Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in a thirty day conditional suspension and SAP referral. The employee must participate in the program prescribed by the SAP and must undergo a follow up test under GCRTA testing authority and test less than 0.02 BAC prior to returning to a safety sensitive function. The failure to comply with the SAP's treatment will result in discharge.~~

C. ~~BAC of 0.02—0.039~~
(Cont.)

~~Third Offense Within A Three Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in discharge.~~

~~D. BAC of 0.02 or less~~

~~Any breath alcohol concentration value less than 0.02 is considered a negative test result.~~

~~The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.~~

~~(c) Disciplinary Consequences For Positive Marijuana Related Substances:~~

~~(1) Job Applicants ————— Not Hired~~

~~(2) Probationary Employee ————— Immediate Discharge~~

~~(3) Non Probationary Employee — First Offense will result in a thirty~~

~~calendar ——— day ——— conditional suspension; SAP referral; EAP participation and completion of follow-up treatment; return to work drug/alcohol testing with negative results. In no event will an employee be eligible to return to work less than thirty days after the failed test.~~

~~Failure to meet the above conditions other than failure of a return to work test, the employee is subject to immediate discharge. In the event that an employee tests positive for marijuana in a return to work test, he or she shall be conditionally suspended for an additional thirty calendar days subject to the conditions set forth above. In the event the employee fails his or her second return to work drug test, he or she shall be immediately discharged.~~

~~Second Offense: Immediate discharge within three year period following first offense.~~

~~(d) Disciplinary Consequences for Prohibited Drugs (not including marijuana or prescription drugs). Prohibited drugs are cocaine, opiates, phencyclidine and amphetamines, and the following applies:~~

- (1) Job Applicants Not Hired
- (2) Probationary/Non-Probationary Employee Immediate discharge for random, reasonable suspicion, post accident, follow up and pre-placement exams/ testing.
- (3) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result.

~~(c) Disciplinary Consequences For Prescription Drugs. In accordance with GCRTA requirements, the following applies:~~

- (1) Job Applicants When the applicant tests positive for a prescription drug which may affect his or her ability to perform the applicant's proposed job duties, he or she will not be considered for employment unless Personnel Services has received the following information prior to testing:

~~Notification of the use of the prescription drug;
A doctor's letter indicating the applicant's ability to perform his or her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.~~

~~(2) Probation/Non-Probationary Employee~~

~~When an employee tests positive for a prescription drug which may affect his or her ability to perform the employee's job duties, he or she will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his or her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.~~

~~Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.~~

~~Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.~~

- ~~(2) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his or her supervisor no later than five working days following his or her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.~~
- ~~(3) As noted in 49 CFR Part 40 Subpart I the following behavior constitutes a refusal to submit to drug and alcohol testing:
 - ~~A. Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign Federal drug testing forms or failure to sign the certification at Step 2 of alcohol testing form;~~
 - ~~B. Any employee who refuses to submit to a direct observation collection;~~
 - ~~C. Refusal by an employee to submit to a second test when requested by the Authority or the collector;~~
 - ~~D. Failure of the employee to remain at the testing site until collection is complete;~~
 - ~~E. Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of three hours and up to forty ounces of water;~~
 - ~~F. Any employee who has a verified adulterated or substituted drug test result;~~
 - ~~G. Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or GCRTA;~~
 - ~~H. Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;~~
 - ~~I. Refusal to provide urine specimen by an employee who normally voids by utilization of self-catherization but declines to do so;~~
 - ~~J. Any employee whose conduct prevents the completion of required drug and/or alcohol test;~~
 - ~~K. Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc. in a secured location prior to obtaining a specimen;~~
 - ~~L. Any employee who does not report to the collection site in~~~~

~~the allotted time;~~

~~M. Any employee who is not readily available for post-accident testing; or~~

~~N. Any employee who leaves the scene of an accident without proper authorization.~~

~~All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.~~

~~(4) Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.~~

~~(5) Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Coworkers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.12 RESPONSIBILITY FOR PROGRAM ADMINISTRATION.~~

~~(a) The Drug and Alcohol Program is administered by the Manager, Occupational Health Services and is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A.)~~

~~(b) Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.13 CONFIDENTIALITY OF RECORDS.~~

~~Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Occupational Health provided that the employee has a picture identification. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

~~Dr. Thomas N. Markham, M.D., M.P.H.
East Side Occupational Health Center
4450 St. Clair Avenue
Cleveland, Ohio 44103
(216) 431-0927~~

Substance Abuse Professional (SAP)

~~Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44119
(216) 404-1900~~

Laboratory Drug Testing

~~Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917~~

GCRTA Drug & Alcohol Program Administration

~~Rhonda C. Branche
Manager, Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 566-5106~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum B
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
CRT Operator	137	1
Hostler - Part Time	147	2
Laborer	152	2
Community Circulator Operator	188	1
Community Circulator Operator (part time)	189	1
Vehicle Servicer	346	2
Hostler	347	2
Laborer	352	2
Maintenance Helper only those with RTA required CDLs	358	2
Operator- Full Time	437	1
Operator - Part Time	438	1
Transit Police Officer - Full Time	440	5
Equipment Servicer	442	2
Body Mechanic	446	2
Equipment Mechanic excludes sign shop personnel	447	2
Signal Maintainer	450	2
Track Maintainer	452	2
Line Maintainer	453	4
Maintainer only those with RTA required CDLs	458	2
Assistant Operating Instructor	511	1
Rail Equipment Body Mechanic	521	2
Rail Equipment Electrician	522	2
Rail Equipment Mechanic	523	2
Rail Brake Mechanic	524	2
Rail Machinist	525	2
Machinist	526	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Automotive Brake Mechanic	528	2
Rail Operations Supervisor	532	3
Heating/Air Conditioning Mechanic	535	2
Transit Police Sergeant	540	5
Equipment Body Mechanic excludes sign shop personnel	541	2
Equipment Electrical Unit Mechanic	542	2
Equipment Electrician	543	2
Equipment Mechanic	545	2
Maintenance Technician only those with RTA required CDLs	548	2
Maintenance Leader only those with RTA required CDLs	549	2
Signal Maintenance Technician	550	2
Special Equipment Operator/Mechanic	552	2
Rail Air Conditioning Mechanic	553	2
CRT Group Leader	554	2
CRT Dispatcher	557	3
Motor Repair Leader	567	2
Supervisor of Police - Part Time	570	5
Dispatcher	573	3
Service Quality Supervisor	574	3
Operations Instructor	611	1
Vehicle Maintenance Instructor	612	2
Assistant Supervisor, Rail Shop	623	2
Electronic Technician	624	2
Zone Supervisor	634	4
Tower Control Supervisor	635	3
Coach Inspector	638	2
Assistant Section Leader	645	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Crew Chief	646	2
Assistant Equipment Supervisor	647	2
Assistant Maintenance Supervisor	649	2
Signal Technician	650	2
Lead Signal Technician	651	2
Assistant Track Supervisor	652	2
Line Maintainer	653	4
Special Equipment Operator/Mechanic Leader	654	2
CRT Road Supervisor	658	4
Transit Police Lieutenant	1060	5
Assistant Superintendent, CRT Equipment	1069	2
Load Dispatcher	1137	3
Transportation Training Specialist	1141	1
Supervisor – Radio Control	1147	3
Supervisor – Power	1233	2
Supervisor – Signals	1234	2
Supervisor – Overhead	1239	2
Training Specialist – Maintenance	1242	2
Transit Police Commander	1248	5
Supervisor – Rail Traffic	1249	3
Rapid Transit Shop Supervisor	1252	4
Section Supervisor	1258	4
Supervisor – Traffic	1259	2
Supervisor, Electrical Maintenance	1265	2
Supervisor, Track	1273	4
Director of Security/Chief of Police	1511	5
Supervisor, CBM (non-exempt)	1951	2
Supervisor, Rail Shop (non-exempt)	1953	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Supervisor, Maintenance (non-exempt)	1954	2
Supervisor, Bus (non-exempt)	1955	2
Supervisor, Signals (non-exempt)	1956	2
Supervisor, Power (non-exempt)	1957	2
Student Driver Trainee	9909	1

FTA Criteria Utilized to Identify a Safety Sensitive Function as Noted in Column 3 of this Addendum:

1. Operates a revenue service vehicle in or out of service;
2. Operates a non-revenue vehicle requiring a CDL;
3. Controls dispatch or movement of a revenue service vehicle;
4. Maintains a revenue service vehicle or maintains equipment used in revenue service;
5. Carries a firearm for security purposes.

Supervisory staff who perform the above functions are also classified as Safety Sensitive.

Job classifications 447 and 541 include Sign Shop personnel. Sign Shop personnel who perform graphic identification and decal functions but perform no actual mechanical work on the body, interior or components of the coach are exempt as Safety Sensitive. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

~~Addendum C~~
~~Random Testing Rates~~

~~Random testing rates are determined each year through Federal/State legislation. The current random drug and alcohol testing rates are as follows:~~

~~At least 25% of the total number of safety sensitive employees will be drug tested.~~

~~At least 10% of the total number of safety sensitive employees will be alcohol tested.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum D
Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
1. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
2. Cocaine Metabolites (Benzoylcegonine)	300 ng/ml	150 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines a. Amphetamine b. Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (Specimen must also contain amphetamine at a concentration :: 200 ng/ml)
5. Opiate Metabolites a. Codeine b. Morphine c. 6 acetylmorphine	2000 ng/ml	2000 ng/ml 2000 ng/ml 10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration :: _____ ng/ml)

Reference: ~~49 CFR Part 40, § 40.87, Federal Register, December 19, 2000 (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum E
Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three hours to provide a specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three hour period begins and when it will end. The three hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
10. The temperature of the specimen will be obtained within four minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.

- ~~12. In the presence of the employee, the collector will seal each bottle and then affix tamper evident labels over each bottle. The collector will date each tamper evident label and the employee will initial the bottle labels.~~
- ~~13. The custody and control form will be completed with the appropriate signatures, social security number, birth date and current date.~~
- ~~14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.~~

~~Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically § 40.193 and § 40.195. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.~~

- ~~1. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.~~
- ~~2. The collection procedure will be discontinued and documented on the custody and control form. The collector must notify Occupational Health and the MRO within twenty four hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the custody and control form with the documentation within the twenty four hour period.~~
- ~~3. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.~~
- ~~4. The employee will be placed on administrative leave pending medical results.~~
- ~~5. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.~~
- ~~6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.~~
- ~~7. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~Addendum F~~
~~Breath Alcohol Collection Process~~

~~Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.~~

- ~~1. The testing process will begin upon entry to the collection site without undue delay.~~
- ~~2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.~~
- ~~3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.~~
- ~~4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.~~
- ~~5. The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.~~
- ~~6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.~~
- ~~7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung".~~
- ~~8. After successful completion of the testing, the employee will be shown the results.~~
- ~~9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.~~
- ~~10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least fifteen minutes, but not more than thirty minutes, after the completion of the initial test.~~
- ~~11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will~~

document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.

- ~~12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.~~
- ~~13. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.~~
- ~~14. The BAT will immediately notify Occupational Health of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.~~
- ~~15. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.~~

~~Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically § 40.265. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.~~

- ~~1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "Remarks" line of the Alcohol Testing Form and immediately notify Occupational Health.~~
- ~~2. The BAT will direct the employee to continue to attempt to complete the breath alcohol test by utilizing a manual testing method for up to fifteen minutes from the time of the last failed attempt. If GCRTA's designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within five days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.~~
- ~~3. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, additional alcohol testing may be performed under GCRTA authority. The employee will be permitted to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. This testing will be performed under GCRTA's authority and as non-DOT testing utilizing non-DOT forms. However, standard chain of~~

~~eustody procedures will be carried out throughout the process. The blood will be drawn with sixty minutes of the initial unsuccessful EBT test so as to provide valid results regarding employee's use of alcohol at the time of the unsuccessful EBT test. The shy lung evaluation required under DOT requirements is in no way impacted by the results of the blood alcohol test. Any actions related to the results of the blood alcohol test are taken under GCRTA authority and do not apply to the results of the shy lung evaluation conducted according to 49 CFR Part 40 testing requirements.~~

- ~~4. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition, which precludes the EBT test, the employee will be evaluated by a Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP's recommendations.~~
- ~~5. If the blood test conducted under GCRTA authority is negative and the pulmonary assessment reveals an acceptable medical condition that explains the employee's inability to provide an adequate amount of breath for the EBT test, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.~~
- ~~6. If the pulmonary assessment does not reveal a medical condition to explain the inability of the employee to provide adequate breath for the EBT test, this is considered a positive test under DOT/FTA requirements.~~
- ~~7. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.~~

~~(Res. 2007-128. Passed 8-21-07.)~~

Addendum G
Life Consequences of Drug Abuse and Alcohol Misuse

~~Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone, however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:~~

~~Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.~~

~~Mood: Constant depression or anxiety, irritability, suspicion and mood swings.~~

~~Actions: Argumentative, excessive sense of self importance, avoids talking.~~

~~Absentecism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.~~

~~Accidents: Takes needless risks, disregards safety of others, higher than average accident rate.~~

~~Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.~~

~~Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.~~

~~The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect coworkers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

**Red-line of
Code Book
Chapter 627**

~~CHAPTER 627~~
~~Substance Abuse Policy for Non-Safety Sensitive~~
~~Employees~~

- ~~627.01 Purpose/scope.~~
- ~~627.02 Reference(s).~~
- ~~627.03 Objectives.~~
- ~~627.04 Definitions.~~
- ~~627.05 Policy application.~~
- ~~627.06 Circumstances which warrant testing.~~
- ~~627.07 Specific testing requirements.~~
- ~~627.08 Types of testing required.~~
- ~~627.09 Testing protocol.~~
- ~~627.10 Action to be taken upon receipt of positive test results or refusal to test.~~
- ~~627.11 Disciplinary consequences of drug use and misuse of alcohol.~~
- ~~627.12 Responsibility for program administration.~~
- ~~627.13 Confidentiality of records.~~

~~CROSS REFERENCES~~

- ~~Safety authority—see 49 U.S.C.A. 1618~~
- ~~Drug offenses—see Ohio R.C. Ch. 2925~~
- ~~Controlled substances—see Ohio R.C. Ch. 3719~~
- ~~Liquor law—see Ohio R.C. Title 43~~
- ~~Substance abuse policy for safety sensitive employees—see PERS. Ch. 626~~

~~627.01—PURPOSE/SCOPE.~~

~~It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program for non-safety sensitive employees and provides requirements for non-safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. The Authority requires all employees to be free of drugs and/or alcohol when performing their job duties.~~
~~(Res. 2004-104. Passed 7-20-04.)~~

~~627.02—REFERENCE(S).~~

~~This policy is written in conjunction with rules and regulations as defined by:~~

- ~~(a) 49 CFR Part 29, Drug Free Workplace Act of 1998.~~
- ~~(b) 41 USC 701 et seq., Drug Free Workplace Act of 1988.~~
- ~~(c) GCRTA Employee Performance Code.~~
- ~~(d) Driver's License Requirement Policy 600.08 and Procedure 1700.07. (Res. 2004-104. Passed 7-20-04.)~~

~~627.03—OBJECTIVES.~~

~~The objectives of this policy are:~~

- ~~(a) To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.~~
- ~~(b) To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol. (See Addendum F of this Policy.) Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.~~
- ~~(c) To clearly and concisely outline the procedures required to comply with the Federal regulations.
(Res. 2004-104. Passed 7-20-04.)~~

~~627.04—DEFINITIONS.~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

- ~~(a) "Accident" means an unplanned, unexpected or unintended event that occurs during the conduct of the employer's business during normal working hours either with an employer supplied motor vehicle or a personal motor vehicle being used in conducting the employer's business.~~
- ~~(b) "Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.~~
- ~~(c) "Cancelled test" is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive or negative.~~
- ~~(d) "Dilute specimen" has creatinine and specific gravity values that are lower than expected for human urine.~~
- ~~(e) "Evidential Breath Testing (EBT) device" is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.~~
- ~~(f) "Intoxicant" includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term "intoxicant" also includes any other substance that alters one's senses or could affect one's ability to function in his or her job.~~
- ~~(g) "Invalid drug test" refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.~~

- ~~(h) "Medical Review Officer" (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer's drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A.)~~
- ~~(i) "Non safety sensitive employee" is any employee at the Authority who does not perform a safety sensitive function as defined by the Substance Abuse Policy for Safety Sensitive Employees. The non safety sensitive employee does not operate a revenue service vehicle, whether in or out of service; operate a non revenue service vehicle requiring a commercial driver's license; control the dispatch or movement of a revenue service vehicle; maintain a revenue service vehicle or equipment used in revenue service or carry a firearm for security purposes.~~
- ~~(j) "On call" duty is defined as being scheduled for specific after duty hours and the employee must report to duty when called. (Example: safety personnel.)~~
- ~~(k) " Substance Abuse Professional (SAP)" is a licensed physician, a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A.)~~
- ~~(l) "Substituted specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.~~
- ~~(m) "Verified test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO. (Res. 2004-104. Passed 7-20-04.)~~

~~627.05 — POLICY APPLICATION.~~

~~This policy applies to all employees who are incumbents in non safety sensitive positions, and to all applicants or employees who may apply for or who may transfer to a non safety sensitive position. (Res. 2004-104. Passed 7-20-04.)~~

~~627.06 — CIRCUMSTANCES WHICH WARRANT TESTING.~~

- ~~(a) All non safety sensitive employees are required as a condition of~~

~~employment to submit to drug testing (urine specimen required) and alcohol testing (breath or blood sample required) under the following circumstances:~~

- ~~(1) Drug testing at the time of the employment physical examination;~~
- ~~(2) Drug testing at the time of or during a work-related physical examination;~~
- ~~(3) Drug and alcohol as a condition of discipline due to previous offense under the policy;~~
- ~~(4) At any time there is a reasonable suspicion of employee drug/alcohol use;~~
- ~~(5) At the time of return to duty from rehabilitation as determined by the Substance Abuse Professional (SAP);~~
- ~~(6) When an employee requires follow up testing;~~
- ~~(7) At the time of an accident as described in Section 627.08(e) of this policy.~~

~~(b) Pre Duty or On Duty Use of Alcohol.~~

- ~~(1) All employees are prohibited from using alcohol or being under the influence of alcohol while performing their job duties. Supervisors with actual knowledge or reasonable suspicion that an employee is using alcohol or is under the influence will not permit the employee to perform or continue to perform his or her job functions. Moreover, supervisors shall complete the necessary documentation for reasonable suspicion for alcohol misuse and send the employee for testing based on the information obtained.~~
- ~~(2) Supervisors will not allow an unscheduled employee to report to duty who acknowledges the use of alcohol. Employees that provide such acknowledgment will not be subject to disciplinary action under this policy.~~

~~(c) On Call Employees. The consumption of alcohol is prohibited for employees during his or her specified on call hours.~~

~~(d) The consumption of any illegal drugs such as marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) and etc. or any other drug that may impair the function of an employee while performing his or her job duties is prohibited at all times and employees may be tested for these substances any time during the performance of their duty as noted in division (a) of this section.~~

~~(e) Non safety sensitive employees are not permitted to consume alcohol while performing work within the course and scope of employment, which includes, but is not limited to, on/off site work during normal working hours. Further, the consumption and possession of alcohol is prohibited while on GCRTA property and at any time while driving a GCRTA vehicle.~~

~~(Res. 2004 104. Passed 7 20 04.)~~

~~627.07 SPECIFIC TESTING REQUIREMENTS.~~

~~(a) GCRTA will perform specific drug and alcohol testing that is based on the circumstances identified in Section 627.06 of this policy.~~

~~(b) All drug and alcohol testing will follow proper procedures as noted in Addendum E and F. The standard chain of custody process will be utilized and only non-federal chain of custody forms will be used.~~

~~(c) Each employee tested under GCRTA requirements will be notified of the purpose for the testing.~~

~~(d) A verified positive drug test result cannot be negated by an employee presenting negative results collected under other circumstances.
(Res. 2004 104. Passed 7-20-04.)~~

~~627.08 TYPES OF TESTING REQUIRED.~~

~~(a) Employment or Pre-Placement Testing. The purpose of pre-employment testing is to identify applicants who may have current drug. The Human Resources Department will send all applicants for employment for drug testing after a conditional offer of employment. An applicant may not perform job functions until employment drug tests are administered with verified negative results.~~

~~(1) In the event drug and/or alcohol tests are considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug/alcohol test with verified negative results before starting a safety sensitive position.~~

~~(2) Applicants who have not been placed in a position within 90 consecutive calendar days of their initial testing will be required to re-take the drug testing and have verified negative results before starting job duties.~~

~~(b) Reasonable Suspicion Testing. The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of job functions.~~

~~(1) Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.~~

~~(2) The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.~~

~~(3) The employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes~~

~~valid documentation.~~

- ~~(4) Alcohol testing must be based on observations and documented as noted in division (b)(2) of this section and shall be performed only while the employee is performing job duties.~~
- ~~(5) If alcohol testing is not performed within two hours following the determination to test, a written statement will be made on the reasonable suspicion document why the testing could not be performed. This documentation will be maintained in Medical Services.~~

~~(e) Accident Testing. GCRTA will require drug and alcohol testing of an employee who has had or who may have caused/contributed to an on the job accident as identified in Section 627.04(a) when there is a loss of life or for other non-fatal accidents.~~

- ~~(1) The following events will require accident testing:
 - ~~A. A fatality occurs of anyone involved in the accident;~~
 - ~~B. Bodily injury that requires immediate medical attention;~~
 - ~~C. Any vehicular damage that requires repair, or~~
 - ~~D. Any performance or lack of performance of the employee that may have contributed to accident.~~~~
- ~~(2) The decision to not administer a drug and/or alcohol test shall be based on the investigating person's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision making process used to reach the decision not to test.~~
- ~~(3) Post accident testing will be administered as soon as practicable following the accident. Every attempt should be made to complete alcohol testing within two hours of the accident. When it is not possible to perform testing within the two hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight hours, the supervisor will cease attempting and update the two hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for eight hours or until alcohol testing is performed, whichever occurs first after the occurrence.~~
- ~~(4) The drug testing time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit.~~
- ~~(5) An employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has~~

~~refused to submit to testing.~~

- ~~(6) The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.~~
- ~~(7) When post accident testing is required based on GCRTA criteria, the collection site will use only non-federal custody and control forms.~~

~~(d) Return to Duty Testing. The purpose of return to duty testing is to provide a degree of assurance that an employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse after rehabilitation.~~

- ~~(1) Whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment meeting the following criteria:
 - ~~A. Has had verified positive drug test result (as noted in Section 627.11 of this policy);~~
 - ~~B. Has had a breath alcohol content (BAC) of 0.02 or greater; or~~
 - ~~C. Has been involved in any other activity that violates this policy including refusal to submit to testing.~~~~
- ~~(2) Return to duty testing cannot occur until the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of his or her duties.~~
- ~~(3) Follow-up testing will be performed when an employee returns to work as described in Section 627.08(d)(1). The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP.~~
- ~~(4) The SAP must present GCRTA's Medical Services with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Follow-up testing can be continued for up to 60 months after return to work.~~
- ~~(5) Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform his or her job duties until testing is completed.~~
- ~~(6) A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed test and must be recollected. (Res. 2004 104. Passed 7-20-04.)~~

~~627.09 TESTING PROTOCOL.~~

~~(a) Alcohol Testing. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBTs). The testing equipment must provide triplicate printed results, assign unique and sequential numbers, print the manufacturer's name for the device, the device's serial number and the time of the test.~~

- ~~(1) The EBT must have a manufacturer-developed quality assurance plan approved by the National Highway Traffic Safety Administration (NHTSA) that includes the following requirements:
 - ~~A. A designated method to be used to perform external calibration checks of the device;~~
 - ~~B. A specified minimum interval for performing external calibration checks of the device;~~
 - ~~C. A specified tolerance on an external calibration check; and~~
 - ~~D. A specified inspection, maintenance and calibration requirement.~~~~
- ~~(2) GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one collection site. The BAT will be trained to proficiency in the operation of the EBT. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and the EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed.~~
- ~~(3) The alcohol testing procedure is located in Addendum D.~~

~~(b) Drug Tests. Urine drug testing will consist of testing for marijuana, cocaine, opiates, phenylcyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non barbiturate sedatives and non-amphetamine stimulants. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.~~

- ~~(1) The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only certified Health and Human Service (HHS) testing laboratories that utilized state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A)~~
- ~~(2) Under separate contract, specific collections sites are available~~

~~throughout the Greater Cleveland area that are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection that is required for the safety sensitive collection process.~~

- ~~(3) In order to protect the security and integrity of the urine collection each collection site will provide a privacy enclosure for urination, a toilet, a suitable, clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Medical Servers on a routine basis to assure integrity of the testing process.~~
- ~~(4) The drug testing procedure is outlined in Addendum C.~~

~~(e) Medical Review Officer.~~

- ~~(1) When a drug test result is confirmed as positive, adulterated, substituted, or invalid, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:
 - ~~A. Review the individual's medical history;~~
 - ~~B. Afford the employee an opportunity to discuss the test result;~~
 - ~~C. Decide whether there is legitimate medical explanation for the result;~~
 - ~~D. Inform the employee that he or she has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.~~~~
- ~~(2) An employee may request a split sample by calling Medical Services at (216) 566-5106. If there is no answer, the employee will leave a voice mail message. Medical Services will contact the employee to obtain the required written verification and payment for testing. The Medical Review Officer will be notified by Medical Services that the employee has requested split sample testing.~~
- ~~(3) Medical Review Officer services are provided by contract with a certified physician who meets national qualification standards for substance abuse evaluation.~~

~~(d) Observed Collection Procedure. Direct observed collection will be performed immediately with no advanced warning when:~~

- ~~(1) The collector identifies an attempt to alter a specimen has occurred;~~
- ~~(2) The collector identifies an attempt to tamper with a specimen;~~
- ~~(3) A specimen is reported as invalid because there is no adequate~~

- ~~medical explanation for the result;~~
- ~~(4) When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; The temperature of the specimen falls out of the range of 90° -100° F.~~
- ~~(5) Direct observation will not be performed when recollection is to occur for a dilute sample.~~

~~(e) Observation in all instances will be made by the same sex. Observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Medical Services of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Medical Services personnel.~~

~~(Res. 2004 104. Passed 7-20-04.)~~

~~627.10 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST.~~

~~Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.02 or greater.~~

- ~~(a) When positive drug results are received from the MRO, Medical Services will immediately notify authorized supervisor(s). The covered employee will be immediately removed from the duty. The appropriate disciplinary action will be implemented as outlined by this policy.~~
- ~~(b) When a positive alcohol result of 0.02 or greater has been confirmed by BAT, the employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The employee will not be permitted to drive his or her own vehicle and an alternate means of transportation will be utilized.~~
- ~~(c) If an employee refuses to submit to drug or alcohol testing, the employee will be removed from his or her job duties and appropriate disciplinary action will be implemented as outlined by this policy.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

~~627.11 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL.~~

~~The GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.~~

- ~~(a) GCRTA requires of all employees to be free of drugs and alcohol when performing his or her job duties. Any employee with a verified positive drug test; an alcohol concentration of 0.02 or greater; or refuses to submit to testing will be removed from his or her job duties and must be evaluated by a Substance Abuse Professional (SAP).~~

~~(b) Disciplinary Consequences for Positive Alcohol. When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:~~

~~(1) Employees with less than 6 months service: Immediate Discharge~~

~~(2) Employees with greater than 6 months of service:~~

~~A. BAC of 0.02 or less Any value less than 0.02 is considered a negative test.~~

~~B. BAC of 0.02% to 0.079% First Offense: 30 calendar day~~

~~conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.~~

~~After release by the SAP to return to work, the employee will undergo a return to duty test with an alcohol result of less than 0.02%, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.~~

~~An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by s~~

~~surrounding circumstances such as the nature of the incident in question and the employee's overall work record.~~

~~Second Offense under this policy within a 3 year period: Immediate Discharge~~

~~C. BAC of 0.08% or higher — Immediate Discharge~~

~~The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.~~

~~(e) Disciplinary Consequences for Positive Marijuana Related Substances:~~

~~(1) Job Applicants — Not Hired~~

~~(2) Employees with less than 6 months of service: — Immediate Discharge~~

~~(3) Employees with more than 6 months service: — First Offense will result in a 30~~

~~calendar day conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.~~

~~After release by the SAP to return to work, the employee will undergo a return to duty test with a negative result, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.~~

~~In the event that an employee tests positive for marijuana in a return to work test, s/he shall be conditionally suspended for an additional 30 calendar days subject to the conditions set forth above. In the event the employee fails his or her second return to work drug test, he or she shall be immediately discharged.~~

~~An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.~~

~~Second Offense: Immediate discharge within three year period following first offense.~~

~~(d) Disciplinary Consequences for Prohibited Drugs (not including marijuana or prescription drugs). Prohibited drugs are cocaine, opiates, phencyclidine and amphetamines, and the following applies:~~

- ~~(1) Job Applicants Not Hired~~
- ~~(2) Employees: Immediate discharge for reasonable suspicion, post accident, and pre placement testing.~~
- ~~(3) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result.~~
- ~~(4) The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.~~

~~(e) Disciplinary Consequences for Prescription Drugs. In accordance with GCRTA requirements, the following applies:~~

(1) Job Applicants

~~When the applicant tests positive for a prescription drug which may affect his or her ability to perform the applicant's proposed job duties, he or she will not be considered for employment unless Human Resources has received the following information prior to testing:~~

~~A. Notification of the use of the prescription drug;~~

~~B. A doctor's letter indicating the applicant's ability to perform his or her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.~~

(2) Employees

~~When an employee tests positive for a prescription drug which may affect his or her ability to perform the employee's job duties, he or she will be discharged unless the employee has provided the~~

~~supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his or her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.~~

~~Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.~~

~~(f) Disciplinary Consequences for Testing Positive for any Intoxicant. Such as hypnotics, barbiturates, hallucinogens, etc.~~

- ~~(1) Job Applicants _____ Not hired~~
- ~~(2) Employees _____ Immediate Discharge~~

~~(g) Disciplinary Consequences for a Driver's License Suspension due to a DUI Conviction. This provision is in effect for employees that are covered by the Driver's License Requirement Policy and drive a non-revenue or company vehicle. In cases of driver's license suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven calendar days of the suspension and provide proof of contact to his or her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Requirement Policy.)~~

~~(h) Other Disciplinary Consequences.~~

- ~~(1) The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.~~
- ~~(2) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his or her supervisor no later than five working days following his or her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.~~
- ~~(3) The following behavior constitutes a refusal to submit to drug and alcohol testing:
 - ~~A. Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign the testing forms;~~
 - ~~B. Any employee who refuses to submit to a direct observation collection;~~
 - ~~C. Declination by an employee to submit to a second test when requested by the Authority or the collector;~~
 - ~~D. Failure of the employee to remain at the testing site until collection is complete;~~
 - ~~E. Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of three hours and up to~~~~

~~40 ounces of water;~~

- ~~F. Any employee who has a verified adulterated or substituted test result;~~
- ~~G. Failure to undergo a medical examination or evaluation for either shy bladder or shy lung;~~
- ~~H. Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician;~~
- ~~I. Refusal by an employee who normally voids by utilization of self-catheterization but declines to do so;~~
- ~~J. Any employee whose conduct prevents the completion of required drug and/or alcohol test;~~
- ~~K. Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc in a secured location prior to obtaining a specimen;~~
- ~~L. Any employee who does not report to the collection site in the allotted time;~~
- ~~M. Any employee who is not readily available for post accident testing; or~~
- ~~N. Any employee who leaves the scene of an accident without proper authorization.~~

~~All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.~~

- ~~(4) Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.~~
- ~~(5) Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Co workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

~~627.12 RESPONSIBILITY FOR PROGRAM ADMINISTRATION.~~

~~(a) The Drug and Alcohol Program is administered by the Manager, Occupational Health. GCRTA's Occupational Health Services is located at the GCRTA Main Office Building, 1240 W. 6th Street, Cleveland, Ohio 44113. (See Addendum A)~~

~~(b) Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Medical Services Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Medical Services. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.~~

~~(Res. 2004 104. Passed 7 20 04.)~~

~~**627.13 — CONFIDENTIALITY OF RECORDS.**~~

~~Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Medical Services provided that the employee has a picture identification. Results of drug and alcohol testing will not be released to outside entities or any third party without the written consent of the employee.~~

~~(Res. 2004 104. Passed 7 20 04.)~~

~~Addendum
A~~

~~MRO, SAP, Laboratory Services and GCRTA Administrator~~

~~Medical Review Officer (MRO)~~

~~Dr. Ronald Hawes, M.D.
East Side Occupational Health Center
4450 St. Clair Avenue
Cleveland, Ohio 44103
(216) 431-0927~~

~~Substance Abuse Professional (SAP)~~

~~Sharon Ryan Hawley, CEAP
Recovery Resources
3950 Chester Avenue
Cleveland, Ohio 44114
(216) 431-4140~~

~~Laboratory Drug Testing~~

~~Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917~~

~~GCRTA Drug & Alcohol Program Administration~~

~~Linda K. Taneek
Medical Services Coordinator
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 566-5106
(Res. 2004 104. Passed 7-20-04.)~~

Addendum
B

Laboratory Testing Cut-Off Limits for the Minimum Quantity of Drug Detected

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
Marijuana Metabolites	50 ng/ml	15 ng/ml
Cocaine Metabolites	30 ng/ml	150 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Amphetamines Amphetamine Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (specimen must also contain amphetamine at a concentration \geq 200 ng/ml)
Opiate Metabolites Codeine Morphine 6-acetylmorphine	2000	2000 ng/ml 2000 ng/ml 10 ng/ml (test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)
Barbiturates	300 ng/ml	300 ng/ml
Benodiazepines	300 ng/ml	300 ng/ml
Methodone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

~~Addendum
C~~

~~Urine Specimen Collection Process~~

~~(a) Urine Specimen collection. Urine specimen collection outlined below is the collection procedure. The testing process will begin upon entry to the collection site without undue delay.~~

- ~~(1) If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.~~
- ~~(2) Employee identification will be verified by a photo ID using either a valid Ohio driver's license or GCRTA identification card.~~
- ~~(3) The collection process will be explained to the employee.~~
- ~~(4) The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he or she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.~~
- ~~(5) Prior to collection of the specimen, Step 1 of the chain of custody will be completed by the collector.~~
- ~~(6) The employee will then be instructed to wash and dry his or her hands.~~
- ~~(7) The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.~~
- ~~(8) The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three hours to complete drug and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three hour period begins and when it will end. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.~~
- ~~(9) The temperature of the specimen will be obtained within four minutes after the specimen collection and the acceptable temperature range must be between 90^o to 100^o F.~~
- ~~(10) The collector will pour or "split" the sample of at least 15 ml in a separate collection bottle and leave the remaining specimen in the original container. This process will be performed before the~~

employee.

- ~~(11) Both bottles will be sealed and labeled in the presence of the employee. After the specimen has been labeled, the employee will initial the bottle labels.~~
- ~~(12) The chain of custody form will be completed with the appropriate signatures, social security number, birth date and current date.~~
- ~~(13) The appropriate portion of the chain of custody form along with the primary sample and the split sample will be placed in a single shipping container, initialed by the collector and placed in secure storage until laboratory pick up.~~

~~(b) Shy Bladder Evaluation. Shy bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three hours and being provided no more than 40 ounces of water. Outlined below is the process that will be utilized:~~

- ~~(1) If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.~~
 - ~~(2) The collection procedure will be discontinued and documented on the chain of custody. The collector must notify Medical Services and the MRO within 24 hours, however, it is expected that each collection site will notify Medical Services immediately and will send the chain of custody with the documentation within the 24 hour period.~~
 - ~~(3) Medical Services will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician within five days of the occurrence. Medical Services will contact the employee with the selected physician's name, location and date of the evaluation.~~
 - ~~(4) The employee will be placed on administrative leave pending medical results.~~
 - ~~(5) The MRO shall confer with the evaluating physician and will provide Medical Services with a written determination as soon as it is made.~~
 - ~~(6) If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.~~
 - ~~(7) If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.~~
- ~~(Res. 2004-104. Passed 7-20-04)~~

~~Addendum D
Breath Alcohol Collection Process~~

- ~~(a) Breath Alcohol Testing. Outlined below is the testing procedure. The testing process will begin upon entry to the collection site without undue delay.~~
- ~~(1) Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.~~
 - ~~(2) Employee identification will be verified by a photo ID using either a valid Ohio driver's license or GCRTA identification card.~~
 - ~~(3) After testing procedures are explained to the employee, the BAT will complete Step 1 of the Alcohol Testing Form and the employee will complete Step 2 and sign the certification.~~
 - ~~(4) The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.~~
 - ~~(5) The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.~~
 - ~~(6) If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide an sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "shy lung".~~
 - ~~(7) After successful completion of the testing, the employee will be shown the results.~~
 - ~~(8) When the results of the test are an alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Medical Services in a confidential manner.~~
 - ~~(9) When the results of the test are an alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.~~
 - ~~(10) During the waiting period for confirmation testing, the employee will not be permitted to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the testing form.~~
 - ~~(11) Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.~~
 - ~~(12) The employee shall be shown the results of the confirmation test~~

and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.

- ~~(13) The BAT will immediately notify Medical Services of results greater than 0.02 and send hard copy confidentially by U.S. Mail or courier.~~
- ~~(14) In order to confirm that telephoned results are valid when received from the collection site, Medical Services personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.~~

~~(b) Shy Lung Evaluation. Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. Outlined below is the process that will be utilized.~~

- ~~(1) If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "shy lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "remarks" line of the Alcohol Testing Form and immediately notify Medical Services.~~
- ~~(2) The BAT will direct the employee to continue to attempt to complete the breathalyzer by utilizing a manual testing method for up to 15 minutes from the time of the last failed attempt. If GCRTA's designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within five days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.~~
- ~~(3) If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, GCRTA will permit the employee to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. The blood will be drawn within 60 minutes of the initial breathalyzer test so as to provide valid results regarding employee's use of alcohol at the time of the breathalyzer test.~~
- ~~(4) If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition which precludes the breathalyzer test, the employee will be evaluated by the Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of~~

~~the SAP. So long as the employee contacts the SAP within 24 hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP's recommendations.~~

- ~~(5) If the additional manual breath test(s) or blood test is negative, but the pulmonary assessment reveals a medical condition, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.~~
- ~~(6) If the pulmonary assessment does not reveal a medical condition, but the additional manual breath test(s) or blood alcohol test reveal alcohol concentration of 0.02 or above, the employee will be subject to the procedures and penalties outlined in this policy.~~
- ~~(7) If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

Addendum E

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far-reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes more and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone, however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.

Mood: Constant depression or anxiety, irritability, suspicion and mood swings. Argumentative, excessive sense of self-importance, avoids talking.

Actions: Argumentative, excessive sense of self-importance, avoids talking.

Absentecism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.

Accidents: Takes needless risks, disregards safety of others, higher than average accident rate.

Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.

Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public. (Res. 2004-104. Passed 7-20-04.)

**Red-line of
Personnel Policies
600.02 and 600.03**

600.02 DRUG-FREE WORKPLACE.

The Drug Free Workplace Act requires that grantees of Federal agencies certify that they will provide a drug free workplace. It applies to all employees within the Authority and contractors engaged in the performance of a grant or a cooperative agreement regardless if the functions are safety-sensitive or non-safety sensitive in nature. Accordingly, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace and/or outside GCRTA workplace is required to notify his/her supervisor in writing no later than five working days following his/her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

600.03 SUBSTANCE ABUSE.

It is the policy of the Greater Cleveland Regional Transit Authority ("GCRTA") to provide the safest possible transportation for the riding public and work environment for its employees. Toward that end the GCRTA has two substance abuse policies. One policy is for safety sensitive employees and one is for non-safety sensitive employees.

For safety sensitive employees, the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with FTA requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to specific testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.

For non-safety sensitive employees, the policy requires such employees to submit to testing for the presence of drugs and/or alcohol at the time of a post-employment offer physical exam; any work related physical exam; when there is reasonable suspicion; and as a condition of discipline for previous offenses under the policy.

The Authority encourages participation in the Employee Assistance Program (EAP) for those employees who are plagued by problems associated with drugs or alcohol. Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

For more information, refer to the Substance Abuse Policy for Safety Sensitive Employees and Substance Abuse Policy for Non-Safety Sensitive Employees.

600.031 SUBSTANCE ABUSE POLICY FOR SAFETY-SENSITIVE EMPLOYEES

1.0 PURPOSE/SCOPE:

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, the Authority requires all safety-sensitive employees to submit to testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety-sensitive function.

2.0 REFERENCE(S):

This policy is written in conjunction with rules and regulations as defined by:

2.1 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule, Federal Register (pp. 79462 –79579); December 19, 2000; Federal Register (pp.43946 – 43964) July 25, 2003; Federal Register (pp. 52229 – 52247) November 13, 2017

2.2 49 CFR Part 655; Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, Final Rule, Federal Register (pp. 41996 – 42036), August 9, 2001; Federal Register (pp. 63812-63813) December 12, 2018

2.3 49 CFR Part 29, Drug-Free Workplace Act of 1998

2.4 FTA Drug and Alcohol Regulation Updates

2.5 GCRTA Employee Performance Code

2.6 Federally mandated laboratory testing limits (Addendum D)

3.0 OBJECTIVES

3.1 To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.

3.2 To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

3.3 To clearly and concisely outline the procedures required to comply with the federal regulations.

4.0 DEFINITIONS

- 4.1 “Accident” means an occurrence associated with the operation of a vehicle, if as a result:
- 4.1.1. An individual dies; or
 - 4.1.2. One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
 - 4.1.3. An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - 4.1.4. An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.
- 4.2 “Adulterated Specimen” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- 4.3 A “Cancelled Test” is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.
- 4.4 “Contractor” means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.
- 4.5 A “Covered Employee” means a person, including an applicant or transferee, who performs a safety-sensitive function. A volunteer is considered a covered employee if required to hold a commercial driver’s license to operate a vehicle or to perform a safety-sensitive function with the expectation of receiving some type of in-kind or tangible benefit.
- 4.6 A “Dilute Specimen” has creatinine and specific gravity values that are lower than expected for human urine.
- 4.7 “Disabling Damage” is defined as “damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair”. This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.
- 4.8 An “Evidential Breath Testing (EBT) Device” is defined as a breath- testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.

- 4.9 The term “Intoxicant” includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opioids such as 6-Acetylmorphine 6-AM (heroin), codeine/morphine, methadone, hydrocodone/hydromorphone, oxycodone/oxymorphone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term “intoxicant” also includes any other substance that alters one’s senses or could affect one’s ability to function in his/her job.
- 4.10 An “Invalid Drug Test” refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- 4.11 “Medical Review Officer” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A)
- 4.12 A “Safety-Sensitive Employee” is one who is required to perform safety-sensitive functions based on specific job criteria:
- 4.12.1 Operates a revenue service vehicle (in or out of service)
 - 4.12.2 Operates a non-revenue service vehicle requiring a Commercial Driver’s License
 - 4.12.3 Controls dispatch or movement of a revenue service vehicle
 - 4.12.4 Maintains a revenue service vehicle or maintains equipment used in revenue service
 - 4.12.5 Carries a firearm for security purposes
- 4.13 The “Substance Abuse Professional (SAP)” is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A)

4.14 A “Substituted Specimen” has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.

4.15 A “Verified Test” is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

5.0 POLICY APPLICATION:

5.1 This policy applies to all employees who are incumbents in safety-sensitive positions, and to all applicants or employees who may apply for or who may transfer to a safety-sensitive position.

5.2 The Human Resources Department maintains a list of safety-sensitive classifications. This list is updated as required when classifications are added or eliminated. (See Addendum B for a list of safety-sensitive classifications)

6.0 CIRCUMSTANCES WHICH WARRANT TESTING:

According to the FTA regulations, all safety-sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required).

6.1 FTA requires drug and alcohol testing to be performed under the following circumstances:

6.1.1 Employment drug testing or prior to the transfer of any employee from a non-safety sensitive position to a safety-sensitive position;

6.1.2 When there is a “reasonable suspicion” of employee drug/alcohol use;

6.1.3 When an employee is involved in a fatal or non-fatal accident under FTA criteria; as described in Section 8.4 of this Policy;

6.1.4 When an employee is selected for random testing;

6.1.5 Following the successful completion of a SAP determined rehabilitation program for return-to-duty testing (see policy section 8.5);

6.1.6 When an employee is subject to follow-up testing as specified by a SAP. (See Policy Section 8.5)

6.2 GCRTA will require testing under the following circumstances:

6.2.1 Drug and alcohol testing as a condition of discipline due to previous offense under this Policy;

6.2.2 Drug and alcohol testing when an employee is involved in a non-fatal accident not covered under FTA testing requirements but meets GCRTA criteria as described in Section 8.4 of this policy.

6.2.3 Drug testing at the time of, or during a work-related physical examination such as a biennial physical.

6.3 Pre-duty use of alcohol: All covered employees are prohibited from using alcohol within 4 hours prior to performing safety-sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within 4 hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. Documentation for reasonable suspicion for alcohol misuse should be completed and testing performed based on the information obtained.

6.3.1 An unscheduled employee who is called to report to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.

6.3.2 If the unscheduled employee acknowledges the use of alcohol, but claims ability to perform a safety-sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.

6.4 On-call employees: The consumption of alcohol is prohibited for covered employees during his or her specified on call hours.

6.5 On duty use of alcohol: All covered employees are prohibited from using alcohol while performing safety-sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety-sensitive functions.

6.5.1 Covered employees with an alcohol concentration of 0.02 or greater are prohibited from reporting for duty to perform a safety-sensitive function or remaining on duty while performing a safety-sensitive function.

6.6 The consumption of marijuana, cocaine, amphetamines, opioids and phencyclidine, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.

7.0 SPECIFIC TESTING REQUIREMENTS:

7.1 Federal drug and alcohol testing must be conducted completely separately from non-federal testing. Further, federal testing will take priority over the non-federal collection process.

7.2 No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.

7.3 GCRTA will perform specific drug and alcohol testing that is based on non-related DOT criteria.

7.4 A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

7.5 DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will not be used when testing is requested under GCRTA authority.

7.6 Each employee tested under Federal or GCRTA requirements will be notified of the purpose for the testing and under whose authority the test is being conducted.

8.0 TYPES OF TESTING REQUIRED:

8.1 Employment or Pre-Placement Testing: The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety sensitive position to a safety-sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined 49 CFR part 40 and will direct applicants/transferring employees to have drug testing after a contingent offer of employment or transfer. A covered employee, including an applicant, may not perform a safety-sensitive function until employment drug testing is administered with verified negative results.

8.1.1 Human Resources will investigate drug and alcohol testing records of all applicants for safety-sensitive positions and employees intending to transfer to safety-sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.

8.1.2 When a covered employee or applicant has previously failed employment drug or alcohol testing, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.

8.1.3 An employee may not transfer to a safety-sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.

8.1.4 In the event a drug test is considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug test with verified negative results before starting a safety-sensitive position.

8.1.5 Applicants who have not been placed in a safety-sensitive position within 90 consecutive calendar days of their initial employment testing will be required to re-take the drug test and have verified negative results before starting a safety-sensitive position.

8.1.6 Employment testing will also be performed whenever a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in the random selection pool during that time. The employee may resume safety-sensitive duties after a verified negative drug result.

8.2 Random Testing: The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.

- 8.2.1 All safety-sensitive employees are required to participate in the random testing program for drugs and alcohol. The GCRTA will test safety-sensitive employees in accordance with FTA regulated percentages. (See Addendum C of this Policy)
- 8.2.2 Random testing is required by FTA to be conducted during all time periods when safety-sensitive functions are performed and shall be unannounced and unpredictable. Since GCRTA operates 24 hours a day, seven (7) days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.
- 8.2.3 A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.
- 8.2.4 GCRTA utilizes a random selection process that is performed in two steps. Step one is performed by GCRTA's contracted medical provider who receives the average number of safety-sensitive employees in the random pool and generates a list of random numbers using a computer-based random number generator program. Step two is performed by GCRTA's Occupational Health who enters the selected numbers into a computer-based random selection program. GCRTA's random computer program assures that each employee is assigned a different random number each day in the selection period. Thus, each covered employee shall have an equal chance of being tested every day random testing is performed. To assure that the random program is protected from unofficial entry, the computer program has limited access to key personnel at each district and only department specific information is available to those persons. To maintain confidentiality and assure the integrity of the random program, access to all other computer information and data is limited to Occupational Health personnel only.
- 8.2.5 As required by FTA regulation the random notification and testing process occurs throughout the workday and throughout the selection period. GCRTA's random testing number selection is made once a week and entered into the computer every Friday. Authorized personnel may access the Random Testing Program daily to ascertain the employee(s) from their area that have been selected for random testing for the day.
- 8.2.6 If the employee is available for testing during their work shift, the safety-sensitive employee will be informed that s/he has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety-sensitive function and will be immediately transported for testing. It is the policy of GCRTA to transport the employee to the collection site. Once testing is completed, the employee may be required to utilize public transportation to return to their assigned district. The employee will follow the procedures established by

his or her district whenever this method of return to work is required. Instances of employees violating the established procedures will be investigated and disciplinary action may be taken.

8.2.7 When an employee is not available for random testing on the day of selection, the employee should be tested during their next available shift as long as the test can be performed within the selection week (i.e.: Saturday through Friday).

8.2.8 Every effort will be made to test the individual that has been selected within the selection week. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. In the event an employee is selected who is on long-term absence or is on vacation during the selection week, Occupational Health will be notified and a replacement number may be selected.

8.3 Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of safety-sensitive functions.

8.3.1 Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

8.3.2 The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

8.3.3 The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

8.3.4 Alcohol testing must be based on observations and documented as noted in 8.3.2 and testing shall be performed only if the observations were made while the covered employee was performing safety-sensitive functions, just before the employee was to perform safety-sensitive functions or just after the employee had ceased performing such functions.

8.3.5 If alcohol testing is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be maintained in Occupational Health. If a test is not administered within 8 hours following the determination to test, GCRTA will cease attempts to administer the test and a statement will be added to the reasonable suspicion document explaining why testing could not be conducted within 8 hours.

- 8.4 Post-Accident Testing: The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post-accident testing is mandatory where there is a loss of life and for some non-fatal accidents. In the event of a non-fatal accident, according to the FTA, the burden rests with the Authority to prove that an employee did not contribute to the accident and therefore can be dismissed from testing. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.
- 8.4.1 In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing. In addition, all other covered employees whose performance may have contributed to the accident, as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- 8.4.2 In the event of a non-fatal accident, FTA drug and alcohol testing is required when one or more individuals suffer bodily injury and immediately receive medical treatment away from the scene of the accident; when a bus, paratransit vehicle or any vehicle involved receives disabling damage; or a rail car is removed from service for disabling damage. All covered employees operating or on duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by the Authority as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- 8.4.3 The decision to not administer a drug and/or alcohol test under FTA guidelines shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.
- 8.4.4 The FTA specifically requires that post-accident testing be administered as soon as practicable following the accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post-accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the occurrence.
- 8.4.5 The **drug testing** time limit is a maximum of 32 hours post-accident. The supervisor will provide written documentation whenever testing cannot be

performed within the specified time limit. Testing time limits for drug and alcohol collection apply to FTA and to GCRTA post-accident testing.

8.4.6 A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.

8.4.7 The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.

8.4.8 The Authority may use the post-accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by GCRTA. Such test results may be used only when GCRTA is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).

8.4.9 If FTA post-accident testing criteria is not applicable, GCRTA will perform non-DOT post-accident drug and alcohol testing. Testing will occur when there has been property damage that requires repair or personal injury that is evident at the time of the occurrence, unless the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the decision.

8.4.10 FTA mandated testing takes precedence over GCRTA required testing. The criteria to perform FTA post-accident testing will be satisfied before consideration is given to utilize GCRTA criteria. When post-accident testing is required based on GCRTA criteria, the collection site will use only non-Federal drug and alcohol testing custody and control forms.

8.5 Return to Duty Testing: The purpose of return to duty testing is to provide a degree of assurance that a safety-sensitive employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse.

8.5.1 According to FTA regulations, whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment in a safety-sensitive classification meeting the following criteria:

- Has had verified positive drug test result,
- Has had a breath alcohol concentration (BAC) of 0.04 or greater, or
- Has been involved in any other activity that violates the regulations including refusal to submit to testing.

- 8.5.2 Return to duty testing cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.
- 8.5.3 Follow-up testing will be performed when an employee returns to work as described in Section 8.5.1. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP. Under GCRTA policy, an employee testing positive for any prohibited substance within three (3) years of the original positive test will result in discharge.
- 8.5.4 The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six (6) follow-up tests in the first twelve (12) months following the employee's return to safety-sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to 60 months after return to work. The SAP, following completion of the mandatory requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.
- 8.5.5 Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety-sensitive functions. Further, the requirements of the SAP's follow-up testing plan "follow the employee" to subsequent employers or through breaks in service.
- 8.5.6 A follow up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected.

9.0 TESTING PROTOCOLS

- 9.1 Alcohol Testing: Breath alcohol testing will be conducted on safety-sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, print the manufacturer's name for the device, the device' serial number and the time of the test.
- 9.1.1 The EBT must have a manufacturer-developed quality assurance plan approved by NHSTA that includes the following requirements:

- A designated method to be used to perform external calibration checks of the device; and
- A specified minimum interval for performing external calibration checks of the device; and
- A specified tolerance on an external calibration check; and
- A specified inspection, maintenance and calibration requirement

9.1.2 GCRTA will only utilize certified Breath Alcohol Technicians (BAT), which allows the performance of the screening and confirmation test to be performed at one site. The Breath Alcohol Technician (BAT), will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by the 49 CFR Part 40, Subpart J. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.

9.1.4 With the exception of post-accident testing, the testing for alcohol is only permissible just before an employee performs safety-sensitive duties, during that performance or just after an employee has performed covered duties. FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.

9.1.5 The alcohol testing procedure is outlined in Addendum F.

9.2 Drug Tests: Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opioids, phencyclidine and amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. In the event these optional tests are to be performed, they will be performed separately from FTA required testing under GCRTA authority and with non-federal testing forms. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

9.2.1 The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.

9.2.2 Under separate contract, specific collection sites are available throughout the Greater Cleveland area that meet DOT 49 CFR Part 40 requirements.

are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.

9.2.3 Collection procedure requires that only Federal drug testing custody and control forms be used for DOT mandated test and non-federal urine custody forms for GCRTA defined testing. Drug testing performed under GCRTA authority will be for the same five drugs which include testing for marijuana, cocaine, opioids, phencyclidine, amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA as defined by DOT in 49 CFR Part 40.

9.2.4 Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E) In order to protect the security and integrity of the urine collection each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Occupational Health on a routine basis to assure integrity of the testing process.

9.2.5 GCRTA has the right to test for drugs other than those mandated by FTA/DOT (ex: marijuana, cocaine, amphetamines, opioids and phencyclidine, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA). In the event the GCRTA chooses to test for other drugs, the test must be performed separately from the FTA testing and the FTA test must be performed first. Separate urine specimens must be obtained from the employee and separate custody and control forms must be processed. A standardized Federal drug testing custody and control form cannot be used. Employees must be notified whether they are being tested under the FTA required program or the GCRTA program.

9.3 Medical Review Officer: In accordance with FTA regulations, when a test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history
- Afford the employee an opportunity to discuss the test result
- Decide whether there is legitimate medical explanation for the result
- Inform the employee that s/he has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.
- Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request.
- Inform the employee that if the request is made within this 72-hour timeframe that GCRTA will ensure that the testing will occur.

- Inform the employee that the cost of the testing is not required to be paid by the employee but GCRTA may request reimbursement.
- Inform the employee that additional test of the specimen (e.g.: DNA testing) are not authorized.
- If split sample testing has been requested, inform the employee to contact Occupational Health at (216) 356-3214 or (216) 356-3213 to complete the necessary paperwork for split sample testing to be performed.

9.3.4 Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum A)

9.4 Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:

- The collector identifies an attempt to alter a specimen has occurred;
- The collector identifies an attempt to tamper with a specimen;
- A specimen is reported as invalid because there is no adequate medical explanation for the result;
- When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
- The temperature of the specimen falls out of the range of 90 - 100° F.
- Observed collection will be performed under FTA requirements when the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FTA regulation as a return to duty or SAP follow-up test.

9.5 Dilute Specimen Procedure: When informed by the MRO that positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. However, when informed by the MRO that a negative test was dilute, the following action will be taken:

- Recollection will be performed immediately under direct observation if the MRO verifies that the specimen was considered "substituted".
- If the specimen is dilute, but not "substituted, recollection will be performed immediately. Unless specified by the MRO or other behaviors have been observed as noted in 9.4 of this policy, recollections will NOT be observed.

9.6 Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.

10.0 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.04 or greater.

- 10.1 When positive drug results are received from the MRO, Occupational Health will immediately notify authorized supervisors. The covered employee will be immediately removed from the safety-sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.
- 10.2 When a positive alcohol result of 0.04 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.
- 10.3 If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety-sensitive position and appropriate disciplinary action will be implemented as outlined by this policy.

11.0 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL

Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer. Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

11.1 GCRTA requires of all employees to be free of drugs and alcohol when performing a safety-sensitive function. FTA requires that any safety-sensitive employee with a verified positive drug test; a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be immediately removed from performing all safety-sensitive functions and must be evaluated by a Substance Abuse Professional (SAP).

11.2 Disciplinary Consequences for Positive Alcohol: When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

a) Probationary Employee Immediate Discharge

b) Non-Probationary Employee:

BAC of 0.08 or greater First Offense: Immediate Discharge

BAC OF 0.04 – 0.079 The FTA regulations prohibit an employee with an alcohol concentration of 0.04 or greater to perform a safety-sensitive duty until s/he has been evaluated by a SAP and has passed a return to duty test. First Offense will result in a thirty (30) calendar day conditional suspension with referral to SAP. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test and test less than 0.02 prior to returning to a safety-sensitive function. The failure to

comply with the SAP's treatment will result in discharge. Return to work drug/alcohol testing must reveal negative results. Should the employee test 0.02 or more on the return to work test, the employee will be subject to discipline, up to and including discharge.

Second Offense within Three (3) Years:
Discharge

BAC OF 0.02 – 0.039

In the event that an employee has a breath alcohol concentration of 0.02 or greater but less than 0.04 and the employee is required to return to a safety-sensitive position **BEFORE** eight (8) hours, FTA requires breath alcohol re-testing. The breath alcohol concentration must be less **than** 0.02 before the employee may perform a safety-sensitive function.

However, in the event the employee is NOT REQUIRED to return to a safety-sensitive position **BEFORE** eight (8) hours, the following GCRTA policy will be followed:

Immediately remove the employee from the safety-sensitive position for eight (8) hours. When an employee has been removed from a safety-sensitive position for at least eight (8) hours after a BAC of 0.02 or greater, but less than 0.04, the employee will be required to undergo a second test with a result below 0.02 BAC prior to being permitted to return to performing their safety-sensitive function.

- Should the employee again test 0.02 or greater but less than 0.04 BAC, the employee will be referred for SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority with a test level less than 0.02 BAC prior to being returned to a safety-sensitive function. Failure to comply with the SAP's recommended treatment program will result in discharge.

- Should the employee again fail to test less than 0.02 BAC, the employee will be subject to discipline up to and including discharge.

Second Offense within a Three (3) Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in a thirty (30) day conditional suspension and SAP referral. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority and test less than 0.02 BAC prior to returning to a safety-sensitive function. The failure to comply with the SAP's treatment will result in discharge.

Third Offense within a Three (3) Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in discharge.

BAC of 0.02 or less

Any breath alcohol concentration value less than 0.02 is considered a negative test result.

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

11.3 Disciplinary Consequences for Positive Marijuana-Related Substances:

a) Job Applicants Not Hired

b) Probationary Employee Immediate Discharge

c) Non-Probationary Employee First Offense will result in a thirty (30) calendar day conditional suspension; SAP referral; EAP participation and completion of follow-up treatment; return to work drug/alcohol testing with negative results. In no event will an employee be eligible to return to work less than thirty (30) days after the failed test.

Failure to meet the above conditions other than failure of a return to work test, the employee is subject to immediate discharge. In the event that an employee tests positive for marijuana in a return to work test, s/he shall be conditionally suspended for an additional thirty (30)

calendar days subject to the conditions set forth above. In the event the employee fails his/her second return to work drug test, s/he shall be immediately discharged.

Second Offense: Immediate discharge within three (3) year period following first offense.

11.4 Disciplinary Consequences for Prohibited Drugs: (not including marijuana or prescription drugs) Prohibited drugs are cocaine, opioids, phencyclidine and amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA and the following applies:

a) Job Applicants Not Hired

b) Probationary/Non-Probationary Employee Immediate discharge for random, reasonable suspicion, post-accident, follow-up and pre-placement exams/testing.

c) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result.

11.5 Disciplinary Consequences for Prescription Drugs: In accordance with GCRTA requirements, the following applies:

a) Job Applicants When the applicant tests positive for a prescription drug which may affect his/her ability to perform the applicant's proposed job duties, s/he will not be considered for employment unless Human Resources has received the following information prior to testing:

- Notification of the use of the prescription drug
- A doctor's letter indicating the applicant's ability to perform his/her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.

b) Probationary/Non-Probationary Employee:

When an employee tests positive for a prescription drug which may affect his/her ability to perform the employee's job duties, s/he will be discharged unless the employee

has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his/her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. Please be advised there is a Prescription Drug Disclosure Form that a physician may complete and is located on the GCRTA Intranet. If an employee is required to use prescription drugs, the employee must submit the Prescription Drug Disclosure Form from their physician on a yearly basis. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

11.6 Disciplinary Consequences for Testing Positive for any Intoxicant during a Work Related Physical Examination (biennial, return-to-work, etc.) will be as follows:

a) First Offense:

The employee will be conditionally suspended for thirty (30) calendar days. An employee suspended under this section will be referred to the SAP and must participate and complete in follow-up treatment as prescribed by the SAP. Failure to comply with the SAP's treatment will result in discharge.

b) Second Offense:

Immediate Discharge

c) In no event will an employee be eligible to return to work less than thirty (30) calendar days after the failed work related physical examination test. Furthermore, following completion of treatment prescribed by the SAP, the employee shall be required to submit to a physical examination and drug testing prior to returning to work and participate in follow-up treatment prescribed by the SAP. The Authority also reserves the right to subject the employee to unannounced drug testing in addition to regular random testing stated herein, as prescribed by the SAP following the employee's return to work. In accordance with the agreement between ATU Local 268 and GCRTA on 7/17/97, employees covered by ATU will be required to pay all

costs for each unannounced drug/alcohol test. An employee who fails to meet any of the conditions set forth above is subject to immediate discharge.

11.7 Disciplinary Consequences for A Commercial Driver's Licenses Suspension Due To a DUI Conviction: In cases of suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven (7) calendar days of the suspension and provide proof of contact to his/her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Policy)

11.8 Other Disciplinary Consequences:

11.8.1 The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

11.8.2 Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his supervisor no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

11.8.3 As noted in 49 CFR Part 40 Subpart I the following behavior constitutes a refusal to submit to drug and alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign Federal drug testing forms or failure to sign the certification at Step 2 of alcohol testing form;
- Any employee who refuses to submit to a direct observation collection;
- Refusal by an employee to submit to a second test when requested by the Authority or the collector;
- Failure of the employee to remain at the testing site until collection is complete
- Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of 3 hours and up to 40 ounces of water;
- Any employee who has a verified adulterated or substituted drug test result;
- Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or GCRTA;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;

- Refusal to provide urine specimen by an employee who normally voids by utilization of self-catheterization but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc. in a secured location prior to obtaining a specimen;
- Any employee who does not report to the collection site in the allotted time;
- Any employee who is not readily available for post-accident testing; or
- Any employee who leaves the scene of an accident without proper authorization.
- For an observed collection, fail 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
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

11.8.4 Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.

11.8.5 Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.

12.0 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Drug and Alcohol Program is administered by Occupational Health Services and is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A)

Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.

13.0 CONFIDENTIALITY OF RECORDS

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Occupational Health provided that the employee has picture identification.

14.0 ATTACHMENT

Addendum A – MRO, SAP, Laboratory Services and GCRTA Administrator

Addendum B – Safety-Sensitive Positions

Addendum C – Random Testing Rates

Addendum D – Laboratory Testing Limits

Addendum E – Drug Testing Procedure

Addendum F – Alcohol Testing Procedure

Addendum G – Life Consequences of Drug Abuse and Alcohol Misuse

This Policy supersedes the following:

Administrative Policy & Procedure 1989-13

Board Resolution 1994-229

Board Resolution 1998-24

Board Resolution 1999-102

Administrative Policy & Procedure 1999-4

Board Resolution 2002-50

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Sandra Fakult M.D., MROCC
Concentra
5500 South Marginal Road
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44119
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 356-3214
(216) 356-3213

Addendum B

Safety-Sensitive Positions

<u>Job Title</u>	<u>Job Classification</u>	<u>FTA Criteria</u>
<u>CRT Operator</u>	<u>137</u>	<u>1</u>
<u>CRT Operator – Part Time</u>	<u>138</u>	<u>1</u>
<u>Laborer (Rail)</u>	<u>152</u>	<u>2</u>
<u>Community Circulator Operator</u>	<u>188</u>	<u>1</u>
<u>Community Circulator Operator – Part Time</u>	<u>189</u>	<u>1</u>
<u>Transit Police Officer – Part Time</u>	<u>336</u>	<u>5</u>
<u>Vehicle Servicer</u>	<u>346</u>	<u>2</u>
<u>Hostler</u>	<u>347</u>	<u>2</u>
<u>Hostler – Part Time</u>	<u>348</u>	<u>2</u>
<u>Laborer (Rail)</u>	<u>352</u>	<u>2</u>
<u>Maintenance Helper only those with RTA required CDLs</u>	<u>358</u>	<u>2</u>
<u>Operator – Full Time</u>	<u>437</u>	<u>1</u>
<u>Operator – Part Time</u>	<u>438</u>	<u>1</u>
<u>Transit Police Officer – Full Time</u>	<u>440</u>	<u>5</u>
<u>Equipment Servicer</u>	<u>442</u>	<u>2</u>
<u>Body Mechanic</u>	<u>446</u>	<u>2</u>
<u>Equipment Mechanic excludes sign shop personnel</u>	<u>447</u>	<u>2</u>
<u>Substation Maintainer</u>	<u>448</u>	<u>4</u>
<u>Signal Maintainer</u>	<u>450</u>	<u>2</u>
<u>Track Maintainer</u>	<u>452</u>	<u>2</u>
<u>Line Maintainer</u>	<u>453</u>	<u>4</u>
<u>Fare Enforcement Officer – Part Time</u>	<u>454</u>	<u>5</u>
<u>Maintainer only those with RTA required CDLs</u>	<u>458</u>	<u>2</u>
<u>Assistant Operating Instructor</u>	<u>511</u>	<u>1</u>
<u>Rail Equipment Body Mechanic</u>	<u>521</u>	<u>2</u>
<u>Rail Equipment Electrician</u>	<u>522</u>	<u>2</u>
<u>Rail Equipment Mechanic</u>	<u>523</u>	<u>2</u>
<u>Rail Brake Mechanic</u>	<u>524</u>	<u>2</u>
<u>Rail Machinist</u>	<u>525</u>	<u>2</u>
<u>Machinist</u>	<u>526</u>	<u>2</u>
<u>Automotive Brake Mechanic</u>	<u>528</u>	<u>2</u>
<u>Heating/Air Conditioning Mechanic</u>	<u>535</u>	<u>2</u>
<u>Transit Police Sergeant</u>	<u>540</u>	<u>5</u>
<u>Equipment Body Mechanic excludes sign shop personnel</u>	<u>541</u>	<u>2</u>
<u>Equipment Electrical Unit Mechanic</u>	<u>542</u>	<u>2</u>
<u>Equipment Electrician</u>	<u>543</u>	<u>2</u>
<u>Equipment Mechanic</u>	<u>545</u>	<u>2</u>
<u>Equipment Repair Leader</u>	<u>547</u>	<u>2</u>
<u>Maintenance Technician only those with RTA required CDLs</u>	<u>548</u>	<u>2</u>
<u>Maintenance Leader only those with RTA required CDLs</u>	<u>549</u>	<u>2</u>
<u>Signal Maintenance Technician</u>	<u>550</u>	<u>2</u>
<u>Special Equipment Operator/Mechanic</u>	<u>552</u>	<u>2</u>

Rail Air Conditioning Mechanic	553	2
CRT Group Leader	554	2
CRT Dispatcher	557	3
Motor Repair Leader	567	2
Service Quality Supervisor	574	3
Service Quality Supervisor Rail	576	3
Power & Way Stock Clerk	589	4
Operations Instructor	611	1
Vehicle Maintenance Instructor	612	2
Fiber Optic Technician	615	4
Lead Fiber Optic Technician	616	4
Assistant Supervisor, Rail Shop	623	2
Electronic Technician	624	2
Zone Supervisor	634	4
Tower Control Supervisor	635	3
Service Quality Supervisor III	636	3
Assistant Section Leader	645	2
Crew Chief	646	2
Assistant Equipment Supervisor	647	2
Substation Maintainer	648	4
Assistant Maintenance Supervisor	649	2
Signal Technician	650	2
Lead Signal Technician	651	2
Assistant Track Supervisor	652	2
Line Maintainer	653	4
Special Equipment Operator/Mechanic Leader	654	2
Lead Line Maintainer	656	4
CRT Road Supervisor	658	4
Lead Substation Maintainer	698	4
Supervisor – Power & Way	762	4
Quality Assurance/Warranty Mechanical	1048	4
Transit Police Lieutenant	1060	5
Assistant Superintendent, CRT Equipment	1069	2
Load Dispatcher	1137	3

Supervisor – Radio Control	1147	3
Supervisor – Signals	1234	4
Supervisor – Traction & Power	1239	2
Supervisor – Overhead	1239	2
Transit Police Commander	1248	5
Rail Traffic Supervisor	1249	3
Rapid Transit Shop Supervisor	1252	4
Section Supervisor	1258	4
Supervisor – Track	1273	4
Deputy Director of Security/Police	1356	5
Director of Security/Chief of Police	1511	5
Supervisor, CBM	1951	2
Supervisor, Rail Shop	1953	2

<u>Supervisor, Signals</u>	<u>1956</u>	<u>2</u>
<u>Student Driver Trainee</u>	<u>9909</u>	<u>1</u>

FTA Criteria Utilized to Identify a Safety-Sensitive Function as Noted in Column 3 of this Addendum

- 1. Operates a revenue service vehicle in or out of service**
- 2. Operates a non-revenue vehicle requiring a CDL**
- 3. Controls dispatch or movement of a revenue service vehicle**
- 4. Maintains a revenue service vehicle or maintains equipment used in revenue service**
- 5. Carries a firearm for security purposes**

Management staff that may perform the above functions at times are also classified as Safety-Sensitive.

Job classifications 447 and 541 include Sign Shop personnel. Sign Shop personnel who perform graphic identification and decal functions but perform no actual mechanical work on the body, interior or components of the coach are exempt as Safety-Sensitive.

Addendum C

Random Testing Rates

Effective each year on January 1 per the Federal Register posting on December of the previous year. The current random drug and alcohol testing rates are as follows:

- At least 50% of the total number of safety-sensitive employees will be drug tested
- At least 10% of the total number of safety-sensitive employees will be alcohol tested

Addendum D

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

<u>Type of Drug or Metabolite</u>	<u>Initial Test Level</u>	<u>Confirmation Test Level</u>
1. <u>Marijuana Metabolites</u> a. <u>THC</u>	<u>50 ng/ml</u>	<u>15 ng/ml</u>
2. <u>Cocaine Metabolites (Benzoyllecgonine)</u>	<u>150 ng/ml</u>	<u>100 ng/ml</u>
3. <u>Phencyclidine (PCP)</u>	<u>25 ng/ml</u>	<u>25 ng/ml</u>
4. <u>Amphetamines</u> a. <u>Amphetamine</u> b. <u>Methamphetamine</u> c. <u>MDMA/MDA</u>	<u>500 ng/ml</u>	<u>250 ng/ml (Specimen must also contain amphetamine at a concentration \geq 100 ng/ml)</u> <u>250 ng/ml</u>
5. <u>Opioids Metabolites</u> a. <u>Codeine/Morphine</u> b. <u>6-A cetylmorphine 6-AM (heroin)</u> c. <u>Hydrocodone/Hydromorphone</u> d. <u>Oxycodone/Oxymorphone</u>	<u>2000 ng/ml</u> <u>10 ng/ml</u> <u>300 ng/ml</u> <u>100 ng/ml</u>	<u>2000 ng/ml</u> <u>10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)</u> <u>300 ng/ml</u> <u>100 ng/ml</u>

Reference: 49 CFR Part 40, §40.87, Federal Register, November 13, 2017

Addendum E

Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to provide a specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. The three (3) hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
10. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.
12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels.
13. The custody and control form will be completed with the appropriate signatures, social security number, birth date and current date.
14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three (3) hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically §40.193 and §40.195. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
2. The collection procedure will be discontinued and documented on the custody and control form. The collector must notify Occupational Health and the MRO within 24 hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the custody and control form with the documentation within the 24-hour period.
3. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five (5) days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
4. The employee will be placed on administrative leave pending medical results.
5. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
7. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

Addendum F

Breath Alcohol Collection Process

Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.
5. The employee will select or the BAT will select an individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung".
8. After successful completion of the testing, the employee will be shown the results.
9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.
12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
13. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
14. The BAT will immediately notify Occupational Health of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.
15. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after

receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically §40.265. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Occupational Health.
2. The BAT will direct the employee to continue to attempt to complete the breath alcohol test by utilizing a manual testing method for up to fifteen (15) minutes from the time of the last failed attempt. If GCRTA’s designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within 5 days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety-sensitive functions until the evaluation process is complete.
3. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, additional alcohol testing may be performed under GCRTA authority. The employee will be permitted to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. This testing will be performed under GCRTA’s authority and as non-DOT testing utilizing non-DOT forms. However, standard chain of custody procedures will be carried out throughout the process. The blood will be drawn with sixty (60) minutes of the initial unsuccessful EBT test so as to provide valid results regarding employee’s use of alcohol at the time of the unsuccessful EBT test. The shy lung evaluation required under DOT requirements is in no way impacted by the results of the blood alcohol test. Any actions related to the results of the blood alcohol test are taken under GCRTA authority and do not apply to the results of the shy-lung evaluation conducted according to 49 CFR Part 40 testing requirements.
4. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition, which precludes the EBT test, the employee will be evaluated by a Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four (24) hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP’s recommendations.

5. If the blood test conducted under GCRTA authority is negative and the pulmonary assessment reveals an acceptable medical condition that explains the employee's inability to provide an adequate amount of breath for the EBT test, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.
6. If the pulmonary assessment does not reveal a medical condition to explain the inability of the employee to provide adequate breath for the EBT test, this is considered a positive test under DOT/FTA requirements
7. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

Addendum G

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self-respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone; however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

<u>Physical Symptoms:</u>	<u>Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, and changes in appearance after work break.</u>
<u>Mood:</u>	<u>Constant depression or anxiety, irritability, suspicion and mood swings.</u>
<u>Actions:</u>	<u>Argumentative, excessive sense of self-importance, avoids talking</u>
<u>Absenteeism:</u>	<u>Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.</u>
<u>Accidents:</u>	<u>Takes needless risks, disregards safety of others, higher-than-average accident rate.</u>
<u>Work Patterns:</u>	<u>Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.</u>
<u>Relationships:</u>	<u>Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.</u>

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.

600.32 SUBSTANCE ABUSE POLICY FOR NON-SAFETY SENSITIVE EMPLOYEES

1.0 PURPOSE/SCOPE:

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program for non-safety sensitive employees and provides requirements for non-safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. The Authority requires all employees to be free of drugs and/or alcohol when performing their job duties.

2.0 REFERENCE(S):

This policy is written in conjunction with rules and regulations as defined by:

2.7 49 CFR Part 29, Drug-Free Workplace Act of 1998

2.8 41 USC 701 et. seq., Drug Free Workplace Act of 1988

2.9 GCRTA Employee Performance Code

2.10 Driver's License Requirement Policy 600.08 and Procedure 1700.07

3.0 OBJECTIVES

9.2 To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.

9.3 To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

9.4 To clearly and concisely outline the procedures required to comply with the federal regulations.

4.0 DEFINITIONS

- 4.2. An “**accident**” means an unplanned, unexpected or unintended event that occurs during the conduct of the employer’s business during normal working hours either with an employer-supplied motor vehicle or a personal motor vehicle being used in conducting the employer’s business. An accident may also occur outside of normal business hours for employees assigned and using an employer provided vehicle.
- 4.3. An “**adulterated specimen**” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- 4.4. A “**cancelled test**” is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.
- 4.5. A “**dilute specimen**” has creatinine and specific gravity values that are lower than expected for human urine.
- 4.6. An “**Evidential Breath Testing (EBT) device**” is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.
- 4.7. The term “**intoxicant**” includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term “intoxicant” also includes any other substance that alters one’s senses or could affect one’s ability to function in his/her job.
- 4.8. An “**invalid drug test**” refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- 4.9. The “**Medical Review Officer**” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A)

- 4.10. A “**non-safety sensitive employee**” is any employee at Authority who does not perform a safety sensitive function as defined by the *Substance Abuse Policy for Safety-Sensitive Employees*. The non-safety sensitive employee does not operate a revenue service vehicle , whether in or out of service; operate a non-revenue service vehicle requiring a Commercial Drivers License; control the dispatch or movement of a revenue service vehicle; maintain a revenue service vehicle or equipment used in revenue service or carry a firearm for security purposes.
- 4.11. “**On-Call**” duty is defined as being scheduled for specific after duty hours and the employee must report to duty when called. (Example: Safety Personnel)
- 4.12. The “**Substance Abuse Professional (SAP)**” is a licensed physician, a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A)
- 4.13. A “**substituted specimen**” has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.
- 4.14. A “**verified test**” is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

5.0 POLICY APPLICATION:

This policy applies to all employees who are incumbents in non-safety sensitive positions and to all applicants or employees who may apply for or who may transfer to a non-safety sensitive position.

6.0 CIRCUMSTANCES WHICH WARRANT TESTING:

6.1 All non-safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath or blood sample required) under the following circumstances:

- 6.1.1 Drug testing at the time of the employment physical examination;
- 6.1.2 Drug testing at the time of or during a work-related physical examination;
- 6.1.3 Drug and alcohol as a condition of discipline due to previous offense under the Policy;
- 6.1.2 At any time there is a “reasonable suspicion” of employee drug/alcohol use;
- 6.1.3 At the time of return-to-duty from rehabilitation as determined by the Substance Abuse Professional (SAP);

6.1.4 When an employee requires follow-up testing;

6.1.5 At the time of an accident as described in Section 8.3 of this policy.

6.2 Pre-duty or on-duty use of alcohol: All employees are prohibited from using alcohol or being under the influence of alcohol while performing their job duties. Supervisors with actual knowledge or reasonable suspicion that an employee is using alcohol or is under the influence will not permit the employee to perform or continue to perform his/her job functions. Moreover, supervisors shall complete the necessary documentation for reasonable suspicion for alcohol misuse and send the employee for testing based on the information obtained.

6.2.1 Supervisors will not allow an unscheduled employee to report to duty who acknowledges the use of alcohol. Employees that provide such acknowledgement will not be subject to disciplinary action under this policy.

6.3 On-call employees: The consumption of alcohol is prohibited for employees during his or her specified on-call hours.

6.4 The consumption of any illegal drugs such as marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) and etc. or any other drug that may impair the function of an employee while performing his/her job duties is prohibited at all times and employees may be tested for these substances any time during the performance of their duty as noted in Section 6.1 of this policy.

6.5 Non-safety sensitive employees are not permitted to consume alcohol while performing work within the course and scope of employment, which includes, but is not limited to, on/off site work during normal working hours. Further, the consumption and possession of alcohol is prohibited while on GCRTA property and at any time while driving a GCRTA vehicle.

7.0 SPECIFIC TESTING REQUIREMENTS:

7.1 GCRTA will perform specific drug and alcohol testing that is based on the circumstances identified in Section 6.0 of this policy.

7.2 All drug and alcohol testing will follow proper procedures as noted in Addendum E and F. The standard chain of custody process will be utilized and only non-federal chain of custody forms will be used.

7.3 Each employee tested under GCRTA requirements will be notified of the purpose for the testing.

7.4 A verified positive drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

8.0 TYPES OF TESTING REQUIRED:

8.1 Employment or Pre-Placement Testing: The purpose of pre-employment testing is to identify applicants who may have current drug. The Human Resources Department will send all applicants for employment for drug testing after a

conditional offer of employment. An applicant may not perform job functions until employment drug tests are administered with verified negative results.

8.1.1 In the event drug and/or alcohol tests are considered a “cancelled test” or results are “invalid”, the covered employee or applicant must retake the drug/alcohol test with verified negative results before starting a safety sensitive position.

8.1.2 Applicants who have not been placed in a position within 90 consecutive calendar days of their initial testing will be required to re-take the drug testing and have verified negative results before starting job duties.

8.2 Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of job functions.

8.2.1 Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.

8.2.2 The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

8.2.3 The employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

8.2.4 Alcohol testing must be based on observations and documented as noted in 8.2.2 and shall be performed only while the employee is performing job duties.

8.2.5 If alcohol testing is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document why the testing could not be performed. This documentation will be maintained in Occupational Health.

8.3 Accident Testing: GCRTA will require drug and alcohol testing of an employee who has had or who may have caused/contributed to an on the job accident as identified in Section 4.1 when there is a loss of life or for other non-fatal accidents. Employees operating a GCRTA vehicle that have an accident with the vehicle during or outside of regular business hours will be required to undergo drug and alcohol testing.

8.3.1 The following events will require accident testing:

- A fatality occurs of anyone involved in the accident;
- Bodily injury that requires immediate medical attention;
- Any vehicular damage that requires repair; or
- Any performance or lack of performance of the employee that may have contributed to accident.

8.3.2 The decision to not administer a drug and/or alcohol test shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

8.3.3 Post accident testing will be administered as soon as practicable following the accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the occurrence.

8.3.4 The **drug testing** time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit.

8.3.5 An employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.

8.3.6 The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.

8.3.7 When post accident testing is required based on GCRTA criteria, the collection site will use only non-federal custody and control forms.

8.4 Return to Duty Testing: The purpose of return to duty testing is to provide a degree of assurance that an employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse after rehabilitation.

8.4.1 Whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment meeting the following criteria:

- Has had verified positive drug test result (as noted in Section 11 of this policy)
- Has had a breath alcohol content (BAC) of 0.02 or greater, or
- Has been involved in any other activity that violates this policy including refusal to submit to testing.

- 8.4.2 Return to duty testing cannot occur until the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of his/her duties.
- 8.4.3 Follow-up testing will be performed when an employee returns to work as described in Section 8.4.1. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP.
- 8.4.4 The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Follow-up testing can be continued for up to 60 months after return to work.
- 8.4.5 Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform his/her job duties until testing is completed.
- 8.4.6 A follow up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed test and must be recollected.

9.0 TESTING PROTOCOL

9.1 Alcohol Testing: In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's). The testing equipment must provide triplicate printed results, assign unique and sequential numbers, and print the manufacturer's name for the device, the device's serial number and the time of the test.

- 9.1.1 The EBT must have a manufacturer-developed quality assurance plan approved by the National Highway Traffic Safety Administration (NHTSA) that includes the following requirements:
- A designated method to be used to perform external calibration checks of the device;
 - A specified minimum interval for performing external calibration checks of the device;
 - A specified tolerance on an external calibration check; and
 - A specified inspection, maintenance and calibration requirement.
- 9.1.2 GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one collection site. The BAT will be trained to proficiency in the operation of the EBT. To protect the security of the testing site and

process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and the EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed.

9.1.3 The alcohol testing procedure is located in Addendum D.

9.2 Drug Tests: Urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

9.2.1 The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only certified Health and Human Service (HHS) testing laboratories that utilized state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A)

9.2.2 Under separate contract, specific collection sites are available throughout the Greater Cleveland area that are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection that is required for the safety-sensitive collection process.

9.2.3 In order to protect the security and integrity of the urine collection each collection site will provide a privacy enclosure for urination, a toilet, a suitable, clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Medical Servers on a routine basis to assure integrity of the testing process.

9.2.4 The drug testing procedure is outlined in Addendum C.

9.3 Medical Review Officer: When a drug test result is confirmed as positive, adulterated, substituted, or invalid, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history
- Afford the employee an opportunity to discuss the test result
- Decide whether there is legitimate medical explanation for the result

- Inform the employee that s/he has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.

9.3.1 An employee may request a split sample by calling Occupational Health at ((216) 356-3214 or (216) 356-3213. If there is no answer, the employee will leave a voice mail message. Occupational Health will contact the employee to obtain the required written verification and payment for testing. The Medical Review Officer will be notified by Occupational Health that the employee has requested split sample testing.

9.3.2 Medical Review Officer services are provided by contract with a certified physician who meets national qualification standards for substance abuse evaluation.

9.4 Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning when:

- The collector identifies an attempt to alter a specimen has occurred;
- The collector identifies an attempt to tamper with a specimen;
- A specimen is reported as invalid because there is no adequate medical explanation for the result;
- When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
- The temperature of the specimen falls out of the range of 90 - 100° F.
- Direct observation will NOT be performed when recollection is to occur for a dilute sample.

9.5 Observation in all instances will be made by the same sex. Observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.

10.0 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.02 or greater.

10.4 When positive drug results are received from the MRO, Medical Services will immediately notify authorized supervisor(s). The covered employee will be immediately removed from the duty. The appropriate disciplinary action will be implemented as outlined by this policy.

10.5 When a positive alcohol result of 0.02 or greater has been confirmed by BAT, the employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The employee will not be

permitted to drive his/her own vehicle and an alternate means of transportation will be utilized.

10.6 If an employee refuses to submit to drug or alcohol testing, the employee will be removed from his/her job duties and appropriate disciplinary action will be implemented as outlined by this policy.

11.0 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL

The GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

11.1 GCRTA requires of all employees to be free of drugs and alcohol when performing his/her job duties. Any employee with a verified positive drug test; an alcohol concentration of 0.02 or greater; or refuses to submit to testing will be removed from his/her job duties and must be evaluated by a Substance Abuse Professional (SAP).

11.2 Disciplinary Consequences for Positive Alcohol: When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

a) Employees with less than 6 months service: Immediate Discharge

b) Employees with greater than 6 months of service:

BAC of 0.02 or less Any value less than 0.02 is considered a negative test.

BAC of 0.02% to 0.079% First Offense: 30 calendar day conditional suspension.

An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven (7) days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with an alcohol result of less than 0.02%, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

shall be conditionally suspended for an additional thirty (30) calendar days subject to the conditions set forth above. In the event the employee fails his/her second return to work drug test, s/he shall be immediately discharged.

An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.

Second Offense: Immediate discharge within three (3) year period following first offense.

11.4 Disciplinary Consequences for Prohibited Drugs: (not including marijuana or prescription drugs) Prohibited drugs are cocaine, opiates, phencyclidine and amphetamines, and the following applies:

- a) Job Applicants Not Hired
- b) Employees: Immediate discharge for reasonable suspicion, post-accident, and pre-placement testing.
- c) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result.
- d) The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

11.5 Disciplinary Consequences for Prescription Drugs: In accordance with GCRTA requirements, the following applies:

- a) Job Applicants When the applicant tests positive for a prescription drug which may affect his/her ability to perform the applicant's proposed job duties, s/he will not be considered for employment unless Human Resources has received the following information prior to testing:

- Notification of the use of the prescription drug
- A doctor's letter indicating the applicant's ability to perform his/her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.

b) Employees:
prescription

When an employee tests positive for a

drug which may affect his/her ability to perform the employee's job duties, s/he will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his/her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

11.6 Disciplinary Consequences for Testing Positive for Any Intoxicant: such as hypnotics, barbiturates, hallucinogens, etc.

a) Job Applicants: Not hired

b) Employees: Immediate Discharge

11.7 Disciplinary Consequences for A Driver's Licenses Suspension Due To a DUI Conviction: This provision is in effect for employees that are covered by the Driver's License Requirement Policy and drive a non-revenue or company vehicle. In cases of driver's license suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven (7) calendar days of the suspension and provide proof of contact to his/her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Requirement Policy)

11.8 Other Disciplinary Consequences:

11.8.1 The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

11.8.2 Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his supervisor no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

11.8.3 The following behavior constitutes a refusal to submit to drug and alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign the testing forms;
- Any employee who refuses to submit to a direct observation collection;
- Declination by an employee to submit to a second test when requested by the Authority or the collector;
- Failure of the employee to remain at the testing site until collection is complete
- Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of 3 hours and up to 40 ounces of water;
- Any employee who has a verified adulterated or substituted test result;
- Failure to undergo a medical examination or evaluation for either shy bladder or shy lung;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician;
- Refusal by an employee who normally voids by utilization of self-catheterization but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc in a secured location prior to obtaining a specimen;
- Any employee who does not report to the collection site in the allotted time;
- Any employee who is not readily available for post accident testing; or

- Any employee who leaves the scene of an accident without proper authorization.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

11.8.4 Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.

11.8.5 Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only “enables” the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee’s suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.

12.0 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Drug and Alcohol Program is administered by the Manager, Occupational Health. GCRTA’s Occupational Health Services is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A)

Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.

13.0 CONFIDENTIALITY OF RECORDS

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee’s confidentiality of results. Results will be mailed to the employee’s home address or the employee may pick up results in person in Occupational Health provided that the employee has a picture identification. Results of drug and alcohol testing will not be released to outside entities or any third party without the written consent of the employee.

14.0 ATTACHMENT

Addendum A – MRO, SAP, Laboratory Services and GCRTA Administrator
Addendum B – Laboratory Testing Limits
Addendum C – Drug Testing Procedure
Addendum D - Alcohol Testing Procedure
Addendum E – Life Consequences of Drug Abuse and Alcohol Misuse

This Policy supercedes all previous policies and procedures.

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Sandra Fakult M.D., MROCC
Concentra
5500 South Marginal Road
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44114
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 356-3214
(216) 356-3213

Addendum B

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits mirror federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

<u>Type of Drug or Metabolite</u>	<u>Initial Test Level</u>	<u>Confirmation Test Level</u>
<u>3. Marijuana Metabolites</u> <u>a. THC</u>	<u>50 ng/ml</u>	<u>15 ng/ml</u>
<u>4. Cocaine Metabolites</u> <u>(Benzoyllecgonine)</u>	<u>150 ng/ml</u>	<u>100 ng/ml</u>
<u>3. Phencyclidine (PCP)</u>	<u>25 ng/ml</u>	<u>25 ng/ml</u>
<u>4. Amphetamines</u> <u>d. Amphetamine</u> <u>e. Methamphetamine</u> <u>f. MDMA/MDA</u>	<u>500 ng/ml</u>	<u>250 ng/ml (Specimen must also contain amphetamine at a concentration \geq 100 ng/ml)</u> <u>250 ng/ml</u>
<u>5. Opioids Metabolites</u> <u>e. Codeine/Morphine</u> <u>f. 6-A cetylmorphine 6-AM</u> <u>(heroin)</u> <u>g. Hydrocodone/Hydromorphone</u> <u>h. Oxycodone/Oxymorphone</u> <u>i. _____</u>	<u>2000 ng/ml</u> <u>10 ng/ml</u> <u>300 ng/ml</u> <u>100 ng/ml</u>	<u>2000 ng/ml</u> <u>10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)</u> <u>300 ng/ml</u> <u>100 ng/ml</u>

Addendum C

Urine Specimen Collection Process

Urine specimen collection Outlined below is the collection procedure. The testing process will begin upon entry to the collection site without undue delay.

15. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
16. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
17. The collection process will be explained to the employee.
18. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
19. Prior to collection of the specimen, Step 1 of the chain of custody will be completed by the collector.
20. The employee will then be instructed to wash and dry his or her hands.
21. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
22. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to complete drug and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
23. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
24. The collector will pour or "split" the sample of at least 15 ml in a separate collection bottle and leave the remaining specimen in the original container. This process will be performed before the employee.
25. Both bottles will be sealed and labeled in the presence of the employee. After the specimen has been labeled, the employee will initial the bottle labels.
26. The chain of custody form will be completed with the appropriate signatures, social security number, birth date and current date.
27. The appropriate portion of the chain of custody form along with the primary sample and the split sample will be place in a single shipping container, initialed by the collector and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml. of urine within three (3) hours and being provided no more than 40 ounces of water. Outlined below is the process that will be utilized:

8. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
9. The collection procedure will be discontinued and documented on the chain of custody. The collector must notify Occupational Health and the MRO within 24 hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the chain of custody with the documentation within the 24 hour period.
10. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician within five (5) days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
11. The employee will be placed on administrative leave pending medical results.
12. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
13. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
14. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

Addendum D

Breath Alcohol Collection Process

Breath alcohol testing. Outlined below is the testing procedure. The testing process will begin upon entry to the collection site without undue delay.

16. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
17. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
18. After testing procedures are explained to the employee, the BAT will complete Step 1 of the Alcohol Testing Form and the employee will complete Step 2 and sign the certification.
19. The employee will select or the BAT will select an individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
20. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
21. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung".
22. After successful completion of the testing, the employee will be shown the results.
23. When the results of the test are an alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
24. When the results of the test are an alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
25. During the waiting period for confirmation testing, the employee will not be permitted to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the testing form.
26. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
27. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
28. The BAT will immediately notify Occupational Health of results greater than 0.02 and send hard copy confidentially by U.S. Mail or courier.
29. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. Outlined below is the process that will be utilized.”

8. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Occupational Health.
9. The BAT will direct the employee to continue to attempt to complete the breathalyzer by utilizing a manual testing method for up to fifteen (15) minutes from the time of the last failed attempt. If GCRTA’s designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within 5 days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.
10. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, GCRTA will permit the employee to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. The blood will be drawn with sixty (60) minutes of the initial breathalyzer test so as to provide valid results regarding employee’s use of alcohol at the time of the breathalyzer test.
11. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition which precludes the breathalyzer test, the employee will be evaluated the Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four (24) hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP’s recommendations.
12. If the additional manual breath test(s) or blood test is negative, but the pulmonary assessment reveals a medical condition, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy if applicable, or other leave policies as needed.
13. If the pulmonary assessment does not reveal a medical condition, but the additional manual breath test (s) or blood alcohol test reveal alcohol concentration of 0.02 or above, the employee will be subject to the procedures and penalties outlined in this policy.
14. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical

explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

Addendum E

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone; however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.

Mood: Constant depression or anxiety, irritability, suspicion and mood swings.

Actions: Argumentative, excessive sense of self-importance, avoids talking

Absenteeism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.

Accidents: Takes needless risks, disregards safety of others, higher-than-average accident rate.

Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.

Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.