

Ulster County Area Transit Substance Abuse Policy

Section I: POLICY

Ulster County Area Transit (UCAT) is dedicated to providing safe, dependable and economical transportation services to our transit system passengers. UCAT's employees are our most valuable resource and it is our goal to provide a safe, satisfying working environment, which promotes personal opportunities for growth. In meeting this goal it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

UCAT's Substance Abuse Policy was approved and adopted by resolution of the Ulster County Legislature on September 9, 2004 and became effective on said date. A copy of the signed adoption by the Legislature is attached to this policy. Anytime this policy is substantively amended or updated due to changes in Federal regulations in the future, the policy will contain the date, proof of adoption of the amended policy by the Ulster County Legislature and the date the amended policy, or portion thereof, became effective.

Section II: PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, which mandates urine drug testing and breath alcohol testing for safety-sensitive positions and which prohibit performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, which sets standards for the collection, testing and reporting of urine and breath specimens. In addition, the Federal government published 49 CFR Part 32, "The Drug-Free Workplace Act of 1988." This policy incorporates those requirements for safety-sensitive employees and others when so noted.

Note: All provisions set forth in **bold** face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 32) are delineated in *italics*. All transit-related employees are covered by the provisions of the Drug-Free Workplace Act. All other provisions are set forth under the authority of the transit system.

Section III: APPLICABILITY

This policy applies to all transit system employees; paid part-time employees; contract employees and contractors when performing any transit-related safety-sensitive duties or when they are on transit property. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on transit premises and will not be permitted to conduct safety-sensitive transit business if found to be in violation of this policy.

A safety-sensitive function is any duty related to the safe operation of public transportation service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch and maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee or volunteer who perform duties requiring a CDL and/or performs a safety sensitive function and receives remuneration in excess of their actual expenses. Supervisors performing any of the above described functions are considered to be safety-sensitive employees. Participation in UCAT's Substance Abuse Program as stated in this policy is a condition of employment.

All positions at UCAT were reviewed for safety-sensitive duties to determine the safety-sensitive positions. Additionally, existing positions and any new positions created in the future will be reviewed for safety-sensitive duties. The following positions were determined to be safety-sensitive:

Director of Public Transportation
Deputy Director of Public Transportation
Public Transit Maintenance and Safety Coordinator
Public Transit Dispatch and Operations Assistant Coordinator
Public Transit Dispatcher/Trainer
Bus Driver
Bus Dispatcher
Bus Driver/Dispatcher
Senior Bus Dispatcher
Automotive Mechanic II
Lead Automotive Mechanic

Section IV: PROHIBITED SUBSTANCES

“Prohibited substances” addressed by this policy include the following:

A. Illegally Used Controlled Substances or Drugs

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: **marijuana, amphetamines (including methamphetamines, MDA, MDEA, and MDMA (ecstasy)), opiates (including codeine, morphine, heroin), phencyclidine (PCP), and cocaine**, , as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

B. Legal Drugs

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

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

C. Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance, which causes alcohol to be present in the body while performing transit business, is prohibited. **An alcohol test can be performed on a covered employee under 49 CFR 655 just before, during, or just after the performance of a safety-sensitive job function.**

Section V: PROHIBITED CONDUCT

The consumption of illegal drugs is prohibited at all times. Covered employees may be tested anytime they are on duty. Off duty use may result in an on duty positive.

No covered employee with a BAC of 0.02 or above can perform or continue to perform a safety-sensitive function.

A. Manufacture, Trafficking, Possession, and Use

Transit System employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on transit authority premises, in transit vehicles, in uniform, or while on transit authority business. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

B. Intoxication/Under the Influence

Any safety sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. **Employees who fail to pass a drug or alcohol test shall be removed from duty immediately, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) and subject to disciplinary action in accordance with the provisions of the Memorandum of Agreement for Alcohol and Drug Testing Procedure between the County of Ulster and the Civil Service Employee's Association (CSEA). A copy of this agreement is available in Attachment B to this policy. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.**

C. Alcohol Use

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.02 or greater. No safety sensitive employee shall use alcohol while on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours of reporting for duty or for eight hours after an accident or a post-accident test has occurred, whichever is first. If an employee is on-call, they will be prohibited to consume alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include the opportunity for the covered employee to acknowledge the use of alcohol at the time he/she is called to report to duty and the inability to perform his/her safety-sensitive function, and the requirement that the covered employee has to take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his/her safety-sensitive function. Violation of these provisions is prohibited and punishable by disciplinary action in accordance with the provisions of the Memorandum of Agreement with the CSEA, available in Attachment B to this policy.

Section VI: COMPLIANCE WITH TESTING REQUIREMENTS

All safety-sensitive employees will be subject to urine drug testing anytime while on duty and alcohol testing only just prior, during and just after the performance

of safety-sensitive duties. All tests for alcohol must be done using an Evidential Breath Testing Device (EBT). Any safety sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately, informed of educational and rehabilitation programs available, and referred to a SAP. Any safety sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection.

A. Refusal to Test

The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- (2) Fails to remain at the testing site until the testing process is complete
- (3) Fails to attempt to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Fails or declines to take a second test the employer or collector has directed you to take
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form
- (11) Failure to follow the observer's instructions during an observed collection including 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.
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- (13) Admit to the collector or MRO that you adulterated or substituted the specimen.

Refusal to test is considered a positive test and will result in immediate removal from duty and referral to a SAP.

Section VII: TREATMENT REQUIREMENTS

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with UCAT's requirements for treatment, after-care, or return-to-duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Eligible employees will be allowed to take accumulated sick leave, vacation leave, holidays and other accrued leave time up to the limits set forth in the CSEA Collective Bargaining Agreement to participate in the prescribed rehabilitation program.

Section VIII: NOTIFICATION OF CRIMINAL DRUG CONVICTION

All employees are required to notify the transit system in writing of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction.

Section IX: PROPER APPLICATION OF THE POLICY

UCAT is dedicated to ensuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action.

Section X: TRAINING FOR SAFETY-SENSITIVE EMPLOYEES & SUPERVISORS

All safety-sensitive employees shall receive a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment and indicators of prohibited drug use.

Supervisors responsible for making the decision to reasonable suspicion test must receive a minimum of 60 minutes of training on drug and 60 minutes of training on alcohol information regarding the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

Section XI: TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant and as required by Federal regulations. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted according to the procedures put forth in 49 CFR Part 40,

as amended, including, picture identification of the employee, Federal Drug Custody and Control Form with unique specimen identification number completed by a trained collection site person who insures that the Custody and Control Form is completed correctly and signed and certified by the donor, collection of Split Sample specimens that are sealed and initialed by the donor.

A. Drug Testing

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen, called an immunoassay test, will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended.

B. Alcohol Testing

The integrity of the alcohol testing process is insured by picture identification of the employee, use of a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing Device (EBT) that displays and prints unique sequential numbers and is capable of producing 3 copies of the test result. The test is administered by a certified Breath Alcohol Technician (BAT) who is “trained to proficiency” in the operation of the EBT being used. The BAT completes a Federal Breath Alcohol Testing form and insures that it is signed by the donor. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02 or greater, but less than 0.04 will immediately be removed from his/her safety-sensitive duties for a minimum of the start of the employee’s next regularly scheduled duty period, but not less than 8 hours or until a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 655 for safety-sensitive employees. Random and Reasonable Suspicion Alcohol testing may only be done just prior to, during, or just following the employee’s actual performance of a safety-sensitive duty.

C. Positive Test Result

Any safety-sensitive employee that has a verified positive drug or alcohol test will be immediately removed from their duties, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for an evaluation and assessment. A positive drug and/or alcohol test will result in disciplinary action in accordance with the provisions of the Memorandum of Agreement with the CSEA, available in Attachment B to this policy.

D. Dilute Specimen

A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. If a specimen result is a positive dilute then it will be treated as a positive test. If a specimen result is negative dilute with the creatinine level => 5mg/dl then UCAT will not retest. If a negative dilute is between 2-5mg/dl then the employee will be retested under direct observation, and the second test result is final. If the employee refuses to retake the test then it will be considered a test refusal.

E. Specimen Validity Testing

Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Section XII: EMPLOYEE REQUESTED TESTING

Any covered employee who questions the results of a required drug test under this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Ulster County Area Transit will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however Ulster County Area Transit will seek reimbursement for the split sample test from the employee.

Split Specimen Testing is not authorized for test results reported by the MRO as "Invalid".

Section XIII: TYPES OF DRUG & ALCOHOL TESTING EVENTS

A. Pre-Employment Drug Testing

All safety-sensitive position applicants shall undergo urine drug testing immediately following the offer of employment into a safety-sensitive position or before transferring into a safety-sensitive position. Receipt by UCAT of a verified negative drug test result is required prior to performing safety-sensitive duties.

If the test is cancelled the applicant must retake and pass a drug test before performing safety-sensitive duties.

Before resuming safety-sensitive duties, an employee, who has not performed a safety-sensitive function for more than 90 days and has not remained in the random pool during that time, must pass a Pre-Employment drug test.

When a covered employee or applicant has previously failed a pre-employment drug test, he/she must present to the employer proof of successfully having completed a referral, evaluation and treatment plan as described in Sec. 655.62

If otherwise qualified, an individual with permanent or long term disabilities that directly render him/her unable to provide an adequate urine specimen will be allowed to perform safety-sensitive duties, despite his/her inability to provide urine during a pre-employment test. The MRO will determine long term inability to provide urine by medical examination and consultation with the employee's physician.

B. Reasonable Suspicion Testing

All safety-sensitive employees may be subject to reasonable suspicion urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral must be made by a supervisor, trained in the signs and symptoms of drug and alcohol use, who has personally observed and documented objective facts and circumstances which are consistent with the short-term effects of substance abuse. The criteria for a reasonable suspicion test must be based on contemporaneous, articulable, observations concerning the appearance, behavior, speech or body odor of the safety-sensitive employee. A supervisor making the decision to reasonable suspicion test may not act as the STT or BAT for that test.

Once the decision to reasonable suspicion test is made, the employee will be removed from safety-sensitive duties until the test results are received. The employee will be escorted immediately to the collection site by the supervisor or another transit employee.

C. Post Accident Testing

Post accident testing of safety-sensitive employees involved in an accident/incident with a UCAT vehicle (regardless of whether or not the vehicle is in revenue service) is mandatory for accidents where there is loss of life and for nonfatal accidents if, 1) an individual involved in the accident immediately receives medical treatment away from the scene of the accident, or 2) one or more vehicles involved in the accident incurs disabling damage (damage which precludes the departure of a motor vehicle from the scene of an accident in it's usual manner in daylight after simple repair) requiring transportation from the scene by tow truck or other vehicle.

When there is loss of human life, each surviving safety-sensitive employee on duty in the public transportation vehicle at the time of the accident must be tested. Safety-sensitive employees not on the vehicle (e.g. maintenance, dispatch personnel), whose performance could have contributed to the accident (as determined by UCAT using the best information available at the time of the accident) must also be tested.

Safety-sensitive employees on duty in the public transit vehicle at the time of a nonfatal accident (fitting the criteria above) must be tested, unless their behavior can be completely discounted as a contributing factor in the accident. Other safety-sensitive employees whose performance could have contributed to the accident, as determined by UCAT using the best information available at the time of the accident shall also be tested after a non-fatal accident.

Following an accident, safety-sensitive employees will be tested as soon as possible, but not to exceed 32 hours for drug testing. If alcohol testing is not done within 2 hours of the accident, the reason for not testing must be documented in a report and attempts to alcohol test must continue for up to 8 hours after the accident. If alcohol testing is not done within 8 hours or drug testing is not done within 32 hours following the accident, the reasons for not testing must also be updated on the written report. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following an accident or until they undergo a post-accident alcohol test.

The results of a blood, urine, or breath test conducted by Federal, State, or local officials shall be considered to meet the requirements of this section, provided such test conforms to the applicable Federal, State, or local testing requirements, and that the test results can be obtained by the employer.

The requirements to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee must remain readily available, which means UCAT knows the location of the safety-sensitive employee. Any safety-sensitive employee who leaves the scene of the accident, without a justifiable explanation, prior to submission to drug and alcohol testing will be considered to have refused the test. Refusal to test is considered a positive test and will result in disciplinary action in accordance with the provisions of the Memorandum of Agreement with the CSEA, available in Attachment B to this policy.

D. Random Testing

All safety-sensitive employees shall be subject to random, unannounced testing. The minimum percentage of employees the Federal Transit Administration (FTA) requires to be randomly tested for drugs for 2013 is 25% of covered employees annually. UCAT conducts random drug tests at a rate of 50%. The minimum percentage of employees the FTA requires to be randomly tested for alcohol is

10% of the number of all covered employees annually. These percentages are subject to annual review by the FTA. The selection of safety-sensitive employees for random drug and alcohol testing shall be made using a scientifically valid method such as a random number table or a computer-based random number generator that ensures each safety-sensitive employee that they will have an equal chance of being selected each time selections are made. Random tests will be unannounced and spread throughout all days and all hours of all shifts UCAT is in operation during the year. Employees are to proceed to the testing site immediately upon notification of a random test.

Section XIV: SECOND CHANCE POLICY

It is UCAT policy to offer safety-sensitive employees who produce a positive drug or alcohol test a second chance, depending on the results of the Return to Duty Testing and Follow-up Testing as outlined below.

A. Return to Duty Testing

Before any safety-sensitive employee is allowed to return to duty following a verified positive drug or alcohol test they must be evaluated by a SAP, complete any recommended treatment and provide a negative return to duty test. Return to duty testing is done at the recommendation of the SAP and may be for drugs and/or alcohol. The result of a return to duty drug test must be negative and an alcohol test must be less than 0.02 prior to the employee returning to safety sensitive duties.

B. Follow-up Testing

Once a safety-sensitive employee is allowed to return to duty, he/she shall be subjected to unannounced follow-up testing for at least 12 months, but not more than 60 months with a minimum of 6 tests being done during the first 12 months. The SAP will determine the frequency and duration of the follow-up testing. Follow-up testing is separate from and in addition to the regular random testing program. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their name comes up for random testing, even if this means being tested twice in the same day, week, or month.

C. Directly Observed Collections

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

- i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Ulster County Area Transit that there was not an adequate medical explanation for the result;

- ii. The MRO reports to Ulster County Area Transit that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

See the Observed Collection section of Attachment A of this policy for a description of direct observation collection procedures.

Section XV: URINE COLLECTION AND ALCOHOL TESTING PROCEDURES

A. Urine Specimen Collection Procedures:

Urine collections will be performed to the standards set in 49CFR part 40 as amended. An overview of the procedures is available in Attachment A to this policy.

B. Alcohol Testing Procedures

All alcohol testing procedures will be done according to the standards set forth in 49CFR part 40 as amended. An overview of the procedures is available in Attachment A.

Section XVI: MEDICAL REVIEW OFFICER (MRO)

The laboratory results must be reviewed by a qualified MRO. The purpose of this review is to verify and validate test results. The laboratory shall report all results to the MRO in a confidential manner.

A qualified MRO is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

The MRO shall follow all procedures set forth in 49CFR part 40 as amended.

Section XVII: SUBSTANCE ABUSE PROFESSIONAL (SAP)

Any individual who has a verified positive drug or alcohol test shall be removed from safety-sensitive duties immediately, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse(ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

The responsibilities of the SAP include:

- Conduct a face-to-face follow-up evaluation to determine if the employee has actively participated in the education and/or treatment program and had demonstrated successful compliance with the initial assessment and evaluation recommendations.
- Evaluating whether a safety-sensitive employee who has a verified positive drug or alcohol test result has complied with the SAP's recommendations.
- Determine when return-to-duty testing is appropriate and whether it should be for drugs and/or alcohol.
- Recommend the number of months and tests the returning safety-sensitive employee will be subject to follow-up testing (after the minimum six tests during the first 12 months and a maximum of 60 months).

The SAP who determines that a covered employee requires assistance in resolving problems with substance abuse may not refer the employee to the SAP's private practice from which the SAP receives remuneration or to a person or organization in which the SAP has a financial interest.

The SAP must follow the procedures and responsibilities set forth in 49CFR part 40.

Section XVIII: EMPLOYEE ACCESS TO RECORDS

Drug testing records must be kept in a secure location with controlled access. Drug and alcohol test results may be released only under the following circumstances:

- Drug/alcohol testing records shall be maintained by the Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- Records will be released to the National Transportation Safety Board during an accident investigation.
- Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

- Records will be released if requested by a Federal, state or local safety agency with regulatory authority over UCAT or the employee.
- If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.
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Section XIX: SYSTEM CONTACTS

A. Program Manager / Designated Employer Representative (DER):

Name: Cindy Chambers
 Address: 1 Danny Circle
 Kingston NY 12401
 Telephone: (845) 334-8421

B. Assistant Program Manager / Designated Employer Representative:

Name: Jen Buton
 Address: 1 Danny Circle
 Kingston NY 12401
 Telephone: (845) 384-6269

C. Medical Review Officer (MRO):

Name: Ferdinand Anderson, MD
 Address: Emergency One
 40 Hurley Ave
 Kingston, NY 12401
 Telephone: (845) 338-5600

D. Substance Abuse Professional (SAP):

Name: As assigned by Ulster County SAP provider,
 Emergency One Substance Abuse Professionals
 Address: 40 Hurley Ave, Suite 4
 Kingston, NY 12401
 Telephone: (845) 338-5600

E. DHHS Certified Laboratories:

Primary Lab: MedTox Laboratories, Inc.
Address: 402 W. County Road D
St. Paul, MN 55112
Telephone: 800-832-3244

Secondary Lab: Laboratory Corp. of America Holdings
Address: 69 First Ave.
Raritan, NJ 08869
Telephone: 800-437-4986

F. Collection Sites:

Name: Emergency One
Address: 40 Hurley Ave
Kingston, NY 12401
Telephone: (845) 338-5600

After hours, employee should be brought to Kingston Hospital and the staff there will page a Kingston Worx employee to perform the tests.

G. Employee Assistance Program (EAP)

Name: Emergency One Employee Assistance Program
Address: 40 Hurley Avenue, Suite 4
Kingston, NY 12401
Telephone: (845) 338-5600

The number to call for
Substance Abuse Assistance is:

845-338-5600

Emergency One Employee Assistance Program

**EMPLOYEE RECEIPT
OF ULSTER COUNTY AREA TRANSIT
SUBSTANCE ABUSE POLICY**

Return this completed form to the Program Manager or the Assistant Program Manager.

Print Employee Name: _____

I have received and will read the UCAT Substance Abuse Policy. I understand that I will be held responsible for the content of this Policy and I agree to abide by the Policy. If I need any clarification or if I have any questions regarding the content of this Policy, I will address them with the Program Manager or Assistant Program Manager.

I understand that violation of this Policy may be grounds for immediate termination of my employment.

This Policy adheres to the Federal Transit Administration's mandated regulations for drug and alcohol testing.

Employee Signature: _____

Date Signed: _____

Attachment A

URINE COLLECTION AND ALCOHOL TESTING PROCEDURES

A. URINE SPECIMEN COLLECTION PROCEDURES

Urine collection for drug testing shall be done at a location that provides:

- A privacy enclosure for urination.
- A toilet receptacle large enough to contain a complete void.
- A source for washing hands.
- A suitable surface for writing.

The collection site personnel shall be trained in the proper procedures for preparing the collection site, collecting the urine specimen, sealing and preparing the specimen for shipment and completing the custody and control form as required in 49 CFR Part 40.

A DOT drug testing custody and control form will be used for the collection.

The collection room shall be inspected by the collector before and after each specimen collection for removal of any unauthorized persons and materials that could be used to adulterate the specimen. The collection site will be secure to prevent unauthorized access during the collection process.

The collector will verify the employee's identity by photo identification or by a company representative. The collection will not proceed if identity is not verified. The collection site will notify the employer if the employee fails to report or arrives more than 30 minutes late for the appointment.

The employee will be requested to check belongings (purses & briefcases) and remove any bulky outerwear (sweaters, jackets, vests, etc.) The employee may retain their wallet.

The employee will be directed to wash and dry their hands.

The collector will unwrap the collection cup or specimen bottle in front of the employee and direct them to the privacy enclosure. The collector remains outside the enclosure. The employee is instructed to provide at least 45 ml (about 2 ounces) of urine.

If the employee is unable to provide at least 45 ml of urine they will be given up to 40 ounces of fluids and remain at the collection site for up to 3 hours in an attempt to provide the specimen. If the required amount is provided, the original sample is discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen is discarded, testing discontinued and the employer notified. The MRO shall refer the employee for a medical evaluation to determine whether the employee's inability to provide a specimen is genuine or constitutes a refusal to submit to a drug test. The examining physician shall

provide the MRO a brief statement setting forth his/her conclusion and the basis for it. Upon receipt of the statement the MRO shall report his/her conclusions to the employer in writing. If the MRO determines there is no medical explanation for the inability to provide an adequate specimen, this will be considered a refusal to test.

Within four (4) minutes of receiving the specimen from the employee, the collector will record the temperature of the specimen on the custody and control form. The temperature must be between 90.0 and 100.0 F. Any specimen temperature out of that range requires a second specimen to be collected immediately under direct observation by a collector of the same gender. The incident is noted in the remarks section of the custody and control form and both specimens are sent to the laboratory. The collector shall also visually examine the specimen for any unusual color or sediment, and note anything unusual on the custody and control form.

If the employee refuses to cooperate with the collection process the collector notifies the employer immediately and documents the non-cooperation on the custody and control form.

If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen. If a specimen bottle is used as a collection container, the collector shall pour off 30 ml of urine from the specimen bottle into a second specimen bottle, to be used as the primary bottle), and retain the remainder (at least 15 ml) in the collection bottle to be used as the split specimen.

Both bottles must be sealed and labeled in the presence of the donor. The labels must be printed with the same specimen identification number as the custody and control form. The donor initials the seals on the bottles verifying the specimen is his/hers.

The custody and control form is completed. The collector and the donor must sign the appropriate certification statements on the form regarding authenticity of the specimen and information provided and the integrity of the collection process. Each transfer of custody must be noted on the chain of custody portion of the urine custody and control form. Every effort should be made to minimize the number of persons handling the specimen.

The specimen must be stored in a secured location until transport to the laboratory. Both the primary specimen and the split specimen shall be sealed in a single shipping container, together with the appropriate pages of the custody and control form. The tape seal on the container shall bear the initials of the collector and the date of the closure for shipment.

Observed Collections

Observed urine drug collections are required in the following circumstances:

- For all return-to-duty tests and follow-up tests;
- When the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- When the employee is directed to provide another specimen because a negative drug test result is reported by the MRO as dilute and the creatinine concentration is between 2 mg/dl and 5 mg/dl.
- When the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- When a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- When the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- When the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

Employees having observed collections will be required to raise clothing above the waist and lower clothing and underpants and turning around to show the collector, that they do not have any type of prosthetic or other device that could be used to interfere with the collection process. After it is determined there is no prosthetic device, the employee is permitted to return clothing to its proper position for observed urination. The collector must observe the employee's urine leave the body and enter the collection cup. The direct observation must be by a collector (or observer) of the same gender as the employee being tested.

B: ALCOHOL TESTING PROCEDURES

Alcohol testing shall be done at a location that provides:

- Privacy to the individual being tested.
- Security with no unauthorized access at any time to EBT.
- BAT conducting only one test at a time who must not leave the testing site while the preparations for testing or the test itself are in progress.

Upon arrival at the testing site the employee must provide positive identification in the form of a photo identification or identification by a company representative.

The BAT will explain the testing procedures to the employee.

The BAT and the employee will complete, date and sign Step #1 and Step #2 of the alcohol testing form indicating the employee is present and providing a

breath specimen. Refusal by the employee to sign Step #2 of the alcohol testing form will be noted by the BAT in the remarks section and is considered a refusal to test.

Screening Test

Employee is informed that testing will begin with a screening test. The BAT will open an individually sealed, disposable mouthpiece in view of the employee and attach it to the EBT.

The employee will be instructed to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. The BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required. The BAT and the employee will finish filling out the alcohol testing form. The employee may return to their safety sensitive position and the test will be reported to the employer as a negative.

Note: Alcohol screens may be performed by certified Screening Test Technicians (STT) using alternative alcohol screening devices approved by the Department of Transportation. The alternative methods may test either breath or saliva. If the screening tests results are 0.02 or greater a confirmation test by a BAT, using an evidential breath testing device, must be performed.

Confirmation Test

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.

The confirmation test must be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading.

The BAT will inform the employee of the need to conduct a confirmation test. The employee will be instructed not to eat, drink, or put any object or substance in his/her mouth. The BAT will also instruct the employee not to belch to the extent possible while awaiting the confirmation test. The BAT will inform the employee that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instructions.

Before the confirmation test is administered, the BAT shall conduct an airblank on the EBT. If the reading is greater than 0.00, the BAT shall conduct one more airblank. If the second airblank reading is greater than 0.00, the EBT must not be used to conduct the test.

The confirmation test is conducted using the same procedures as the screening test. A new mouthpiece will be used.

If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.

If the result displayed on the EBT is not the same as that on the printed form, the test will be cancelled, and the EBT removed from service.

The BAT will sign and date the form. The employee will sign and date the certification statement, which includes a notice that the employee cannot perform safety-sensitive duties or operate a motor vehicle if the results are 0.02 or greater. Refusal by the employee to sign the certification statement is not considered a “refusal to test”, but it will be noted in the remarks section by the BAT.

The BAT will attach the alcohol test result printout directly onto the alcohol collection form with tamperproof tape (unless the EBT prints the results directly on the form).

Reporting

The BAT will transmit all results to the Designated Employer Representative in a confidential manner. In the event an individual must be removed from safety-sensitive duties as a result of the alcohol test, the BAT will notify the Designated Employer Representative immediately.