

PELIVAN TRANSIT

Drug and Alcohol Policy

Effective as of 12/14/2017

Adopted by: GGEDA BOARD OF DIRECTORS

Date Adopted: 01/12/2006
Last Revised: 12/14/17
Revised: 08/12/2015
Revised: 8/ 14/ 2014
Revised: 09/ 2009
Revised: 02/2007
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Revised: 11/2005

FTA Drug and Alcohol Policy – *Pelivan Transit*

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Attachments

1. Acknowledgement of *PELIVAN TRANSIT* Drug and Alcohol Testing Policy
2. Copy of Board Resolution (signed)
3. Safety-Sensitive Positions and Functions
4. Contact Person(s) for *PELIVAN TRANSIT*, Medical Review Officer and Substance Abuse Profession
5. Employee Assistant Program

I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

The BOARD OF DIRECTORS/TRUSTEES have approved and adopted the PELIVAN TRANSIT Policy on Anti-Drug and Alcohol Misuse at its board meeting on 08/13/2015, and revisions of the original policy on 01/12/2006, IF ANY, as listed on the cover page of this document. A copy of the latest board approvals is included in this policy as Attachment 2.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect *PELIVAN TRANSIT's* policy. These additional provisions are identified by **bold text**.

In addition, the Department of Transportation (DOT) has published 49 CFR Part 29, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All PELIVAN TRANSIT employees are subject to the provisions of the Drug-Free Workplace Act of 1998.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug stature for a violation occurring in the workplace shall notify Designated Employer Representative no later than five days after such conviction.

PELIVAN TRANSIT intention is to fully comply with the regulations of the US DOT and FTA (49 CFR, Part 32, Part 40 and Part 655). If any omissions or contradictions occur between this policy and the federal regulations, the federal regulations shall apply.

If the regulations of the US DOT or the FTA change, this policy will be amended to reflect those changes and to remain consistent with regulations and US DOT requirements. When such changes occur, PELIVAN TRANSIT will notify all affected employees.

Once the governing board has adopted this policy, all safety sensitive employees shall be made aware of the policy and subsequent changes, and the effect it will have on them. The *PELIVAN TRANSIT* shall provide written notice to every covered employee and to representatives of employee organizations explaining the drug and alcohol misuse policies and procedures. (§655.16) See Attachment 1.

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a “safety-sensitive function” as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver’s license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

A volunteer is a covered employee if:

- (1) the volunteer is required to have a commercial driver’s license to operate the vehicle; or
- (2) the volunteer performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred

See Attachment 3 for a list of covered positions by job title.

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in Part 40. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Consequences for Violations

Following a positive drug or alcohol (Blood Alcohol Content (BAC) at or above **0.02**) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional (SAP) **and terminated from employment.**

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties and terminated from employment.

Zero Tolerance

Per *PELIVAN TRANSIT* policy, any employee who tests positive for drugs or alcohol (BAC at or above **0.02**) or refuses to test will be referred to a SAP and immediately terminated from employment.

5. Circumstances for Testing

Pre-Employment Testing

Pre-employment alcohol tests may be conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when *PELIVAN TRANSIT* has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing 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.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by *PELIVAN TRANSIT* using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, and the covered employee may have contributed to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by *PELIVAN TRANSIT* using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at <http://www.dot.gov/odapc/random-testing-rates>.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee will 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.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Random Testing – End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately following an employee's shift, must be provided **at least one day** before the end of the shift.

All testing under the *PELIVAN TRANSIT'S* own authority will be conducted as a Non-DOT test, using Non-DOT custody and control forms.

6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, *PELIVAN TRANSIT* will require a retest.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. *PELIVAN TRANSIT* guarantees that

the split specimen test will be conducted in a timely fashion. **The employee will pay for the cost of a split specimen tested at a second laboratory.**

7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by *PELIVAN TRANSIT*.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or *PELIVAN TRANSIT* for drug testing.
- (7) Fail to undergo a medical evaluation as required by the Medical Review Officer (MRO) or *PELIVAN TRANSIT*'s Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

8. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Designated Employer Representative , who will refer the

individual to a substance abuse counselor for evaluation and treatment. Pelivan Transit also has an EAP program in place that goes above and beyond the FTA requirements as a wellness service to its employees. (Pelivan Transit EAP Program, attachment 5).

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program through the EAP program.

9. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to *PELIVAN TRANSIT* supervisor. The misuse or abuse of legally prescribed drugs while performing transit business is prohibited. Refer to the *PELIVAN TRANSIT*'s "Over the counter and Prescription Drug Policy".

Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties. The employee must also obtain a written release from the attending physician that releases the employee to perform their job duties whenever they are using a performance-altering substance.

NOTE: Legally prescribed drugs, for purposes of this policy, do not include, regardless of the circumstances, any illegal drug, including marijuana or illegally obtained prescription drugs.

10. Education and Training

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion

training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

11. Confidentiality

Confidentiality will be applied to every aspect of the anti-drug program according to the following criteria:

- (1) After the MRO contacts the employee to discuss a positive confirmatory test result, and a final decision is released regarding the positive result, the listed contact person of *PELIVAN TRANSIT* shall serve as the sole point of contact.
- (2) Information regarding an individual's test results or rehabilitation may be released under the following circumstances: (§40.331)
 - a) A specific, written consent from an employee authorizing the release of information about that employee's drug or alcohol tests to an identified person
 - b) Upon request of DOT agency representatives:
 - 1) Access to facilities used for this part and DOT agency drug and alcohol program functions.
 - 2) All written, printed, and computer-based drug and alcohol program records and reports, files, materials, data, documents/documentation, agreements, contracts, policies, and statements that are required by this part and DOT agency regulations.
 - c) If requested by the National Transportation Safety Board as part of an accident investigation, information concerning post-accident tests administered after the accident.
 - d) If requested by a Federal, state or local safety agency with regulatory authority, drug and alcohol test records.
- (3) All records relating to drug and alcohol testing will be kept in a separate, locked file from other employee records.

12. Contact Person

For questions about *PELIVAN TRANSIT*'s anti-drug and alcohol misuse program as well as the name of the MRO and SAP, see Attachment 4.

ACKNOWLEDGEMENT OF *PELIVAN TRANSIT*
DRUG AND ALCOHOL TESTING POLICY

I _____, the undersigned, hereby acknowledge that I have received a copy of the drug and alcohol testing policy and procedures mandated by the U. S. DOT and FTA for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Part 655, as amended, and has been duly adopted by the governing board of *PELIVAN TRANSIT*. Any provisions contained herein which are not required by 49 CFR Part 655 or 49 CFR Part 40, as amended, that have been imposed solely on the authority of the employer are designated as such in the policy document. I am aware that I may be required to undergo a drug and/or alcohol screen as outlined by *PELIVAN TRANSIT* policy requirements and that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the drug and alcohol testing policy and procedures as a condition of my continued employment with the company.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained therein. I will seek and get clarifications for any questions from the employer contact person listed in the policy. I also understand that compliance with all provisions contained in the policy is a condition of my employment.

I further understand the information contained in the approved policy dated _____, is subject to change, and that any such changes, or addendum, shall be given to me in a manner consistent with the provision of 49 CFR Part 655, as amended.

Employee Signature

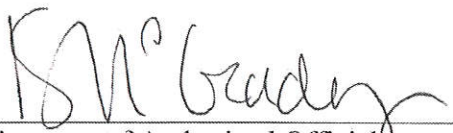
Date

PELIVAN TRANSIT Representative

Date

AUTHORIZING CERTIFICATE


The undersigned duly qualified and acting Chairman of the Board of the Grand Gateway EDA dba Pelivan Transit certifies that the foregoing is a true and correct copy of a change in policy language, adopted at a legally convened meeting of the Grand Gateway EDA held on December 14, 2017.



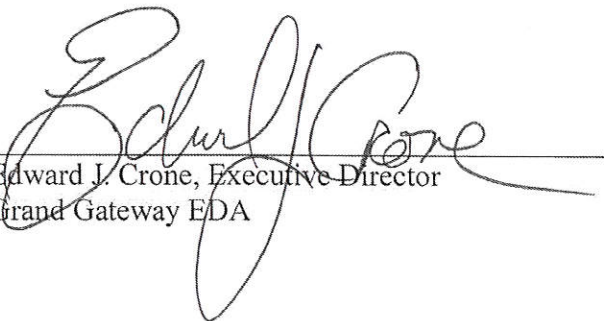
Signature of Authorized Official

12-14-17

Date



Chairman of the Board



Edward J. Crone, Executive Director
Grand Gateway EDA

SAFETY-SENSITIVE FUNCTIONS

A safety-sensitive function, as defined by FTA 49 CFR, Part 655, is any specified duty performed by *PELIVAN TRANSIT* employees related to the safe operation of mass transit service. These duties include the following activities:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL);
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service;
- Carrying a firearm for security purposes.

The following specific job titles identify those employees who perform safety-sensitive job functions at *PELIVAN TRANSIT*:

- *DRIVERS*
- *DISPATCHERS*
- *DIRECTOR*
- *ASSISTANT DIRECTOR*
- *ROUTE SUPERVISOR*
- *DATA COORDINATOR*
- *CUSTOMER SERVICE REPRESENTATIVE*
- *DATA CLERKS*
- *ADMINISTRATIVE COMPLIANCE OFFICER*
- *MAINTENANCE MANAGER*
- *MAINTENANCE COORDINATOR*
- *AUTOMOTIVE TECHNICIAN*

ATTACHMENT 4

CONTACT PERSON(S)

FTA Drug and Alcohol Policy – *Pelivan Transit*

Any questions regarding this policy or any other aspect of *PELIVAN TRANSIT* substance abuse program should be addressed to the following transit system representative(s):

Name: *JONNETTA MARQUIS (DER)*

Title: *ADMINISTRATIVE COMPLIANCE OFFICER*

Address: *333 SOUTH OAK, BIG CABIN, OK 74332*

Telephone Number: *(918)855-5270*

Name: *Kendra McGeady (Back-up DER, DAPM)*

Title: *PELIVAN TRANSIT DIRECTOR*

Address: *333 SOUTH OAK, BIG CABIN, OK 74332*

Telephone Number: *(918)244-1286*

Name: *DANIEL DREW MD/JOHN TETRICK MD*

Title: *Medical Review Officer (MRO)*

Address: *NATIONAL MEDICAL REVIEW, 7160 GRAHAM RD, INDIANAPOLIS, IN 46250*

Telephone Number: *(317)547-8620*

Name: *PEGGY WHITE OR JUDY WILSON*

Title: *Substance Abuse Professional (SAP)*

Address: *790 EAST 41ST TULSA, OK*

Telephone Number: *(918)621-1600*

Addendum to FTA Drug and Alcohol Policy for GGEDA dba Pelivan Transit adopted by GGEDA Board of Directors dated 08/13/2015. The non-safety sensitive employees of Pelivan Transit will not be subject to Drug & or Drug & Alcohol testing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendra McGeady". The signature is fluid and cursive, with a large loop at the end of the last name.

Kendra McGeady

Pelivan Transit Director