

Drug and Alcohol Policy Introduction

It is the Arc of Tri-Cities desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on The Arc of Tri-Cities premises and while conducting business-related activities off The Arc's premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs. Violations of this policy must lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance rehabilitation or treatment program. Such violations may also have legal consequences.

The legal use of prescribed drugs is permitted on the job if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify The Arc of Tri-Cities of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.

NOTIFICATION OF CRIMINAL OR DRIVING WHILE INTOXICATED CONVICTION

Federal regulations (Drug Free Workplace Act of 1988) require all employees to notify The Arc of any conviction under a criminal drug statute for violations occurring on or off the property within five days of conviction. Failure to report such a conviction or any moving violation, causing the loss of driver's license, by state or local law enforcement involving drugs or alcohol, will result in discipline up to and including discharge.

Drug and Alcohol Transportation Policy

A. PURPOSE

The purpose of this policy is to assure employee fitness for duty and to protect employees, passengers and the public from risks posed by worker use of alcohol and drugs. This policy is intended to comply with all the applicable Federal regulations governing workplace alcohol and drug misuse. Regulations issued by the U.S. Department of Transportation and the Federal Transit Administration mandate urine drug testing and evidential breath alcohol testing for safety-sensitive positions. This policy sets forth The Arc of Tri-Cities alcohol and drug program and the testing and reporting guidelines for transportation employees.

B. APPLICABILITY

The Drug and Alcohol Transportation policy applies in to all employees who perform transportation in compliance with Ben Franklin Transit will be subject to specific alcohol and drug testing as required by federal regulations.

C. PROHIBITED SUBSTANCES

Prohibited drugs are any illegal controlled substance including, but not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA. Illegal use includes use of or impairment by any illegal drug, misuse of legally prescribed or over the counter drugs or illegally obtained prescription drugs. The use of any beverage or mixture, including any medication, containing alcohol during or prior to performing a safety-sensitive function is also prohibited.

D. PROHIBITED CONDUCT

Employees who are using, manufacturing, dispensing, distributing drugs or who are in the possession of or impaired by alcohol or drugs when reporting for duty, while on duty, or when on The Arc's premises, constitute a threat to the health, safety and security of themselves, their fellow employees, passengers and other members of the public. Therefore, employees must not report for work or continue working under these circumstances. Such behavior is absolutely prohibited.

Employees who are reasonably suspected of not being fit for duty due to drug or alcohol use shall be suspended from transportation duties pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test shall be removed from duty and discharged.

ALCOHOL USE: No employee shall report for duty within four hours of using alcohol, or use alcohol while subject to being on call. A positive alcohol test is defined under this policy as a blood alcohol concentration of 0.01 or greater on an evidentiary breath testing device.

E. COMPLIANCE WITH TESTING

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal can include an inability to provide a specimen or breath sample without a valid medical reason as determined by the MRO or delaying arrival at the collection site. Such refusals will be treated as insubordination and recorded as a positive test, and the employee discharged.

II. TESTING FOR PROHIBITED SUBSTANCES

All transportation employees will be subject to testing prior to employment, for reasonable suspicion, and prior to return to duty after completion of substance abuse treatment. Employees shall also be subject to testing on a random, unannounced basis and following an accident.

A. CONFIDENTIALITY

Confidentiality is maintained throughout the drug/alcohol testing process. All positive test results are forwarded to the Executive Director for review. The Executive Director provides the employee an opportunity to offer any clarifying information that would explain the positive test. The agency will maintain results in the strictest of confidence. In case of disciplinary action results from a positive test, information is shared only with those in a supervisory capacity. The Arc will carry out this policy in a manner that respects the dignity and confidentiality of the involved.

B. METHODOLOGY

Testing will be conducted in manner to assure a high degree of accuracy and reliability by using the techniques, chain of custody procedures, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services as called for in the regulation (49 CFR Part 40). Both alcohol and drug testing will be conducted in an environment that affords maximum privacy.

1. Analytical urine testing will be conducted for marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen after a split sample is provided to the laboratory. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry will be performed. A positive test result, above the minimum thresholds set forth by federal regulation verified by the Executive Director, will be considered a violation of this policy.
2. Tests for alcohol concentration will be conducted using National Highway Traffic Safety Administration approved evidential breath testing devices operated by trained technicians. An employee who tests at 0.01 or above will be retested within 15 to 20 minutes of the first test. This is considered a "confirmatory test". A confirmed alcohol concentration of 0.01 or greater will be considered a positive alcohol test and a violation of this policy.

A positive drug or alcohol test will result in disciplinary action up to and including discharge as outline in the Discipline section of this policy.

C. TYPES OF TESTING

1. **PRE-EMPLOYMENT TESTING:** All applicants, who have been offered transportation employment shall undergo urine drug testing prior to employment. Receipt by the Arc of satisfactory test results is required prior to the start of employment. Failure to pass the test will disqualify the applicant.
2. **REASONABLE SUSPICION TESTING:** Transportation employees are subject to fitness for duty evaluation including a drug or alcohol test when there is a reason to suspect impairment immediately prior, during or immediately after performing job duties or while on Arc's property.
3. **POST-ACCIDENT TESTING:** Transportation employees are required to be tested if they are involved in an accident involving a Ben Franklin Transit vehicle that:
 - a. Results in a fatality
 - b. Results in an injury requiring immediate treatment away from the accident scene.
 - c. Results in any involved vehicle being disabled such that it must be towed from the scene.

Following an accident under the above circumstances, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Employees involved in accidents must refrain from alcohol use for eight hours following the accident or until a drug/alcohol test is administered. Employees who leave the scene of an accident without appropriate authorization prior to the testing will be considered to have refused the test and be subject to discipline, up to and including discharge.

4. **RANDOM-TESTING:** Employees will be subjected to random, unannounced drug and alcohol testing.

D. RETESTS AND OBSERVED TESTS

Employees who test positive for drugs, in their urine, may request, within 72 hours of notification, a test of the split sample, as all specimens are split and the non-tested portion stored for a period of time.

There are certain situations that may require the employee to provide, at the collection site, another urine or breathe sample, i.e. when insufficient volume or breath provides an inadequate sample or the technician has reason to suspect tampering with the sample.

Some general provisions apply to all post hire testing as follows: (a) A drug test result of negative dilute will be retested. The second test under a negative dilute scenario is always the test of record; (b) If the test results are negative, the employee will be returned to work; and (c) if the test is positive, discipline will occur.

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PROCEDURES

To implement The Arc of Tri-Cities Drug and Alcohol Policy in compliance with the Omnibus Transportation Employees Testing Act of 1991 and the Drug free Workplace Act of 1988, The Arc of Tri-Cities will observe procedures as specified in this manual.

PRE-EMPLOYMENT

- A. Covered Candidates:
 - Transportation employees:
 - Following a conditional offer of employment, transportation employees shall be tested for the presence of prohibited drugs.

B. Nature of Testing:

Transportation employees will provide a urine specimen of at least 45 ml to be tested for the presence of amphetamines, cocaine, marijuana, opiates, and phencyclidine (PCP).

The specimen will be sent to a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) to conduct screening and confirmation tests according to the protocols identified in the Department of Transportation rules. The Executive Director will review all test results.

C. Consequences of Positive Test:

A verified positive drug test result will result in a rescinding of the offer of employment by The Arc of Tri-Cities.

II. RAMDON TESTING

A. Covered Candidates

Transportation employees are subject to Random Testing. Transportation employees once notified of an impending test do not have the option of selecting treatment in lieu of testing.

B. Data Base

1. Data base of all transportation employees will be developed.
2. The number of tests required by regulation will be established in January of each year based on the population of covered employees on that date.
3. Date base will be updated monthly to delete employees no longer employed and to add new covered employees.

C. Random Selection & Scheduling

1. Transportation Services will generate a randomly selected list of covered employees on a quarterly basis.
2. Testing will be scheduled from this list.

D. Testing Procedures

1. Notification

- a. Program Manager/Director on the day of testing, will deliver the information letter to employee, and
- b. Make arrangement for employee to immediately report to the testing site as scheduled.

NOTE: The employee does not receive advanced notice of testing.

2. Testing Location

Testing will be conducted at Lourdes Occupational Health Center, 9915 Sandifur Parkway, Pasco, WA or other sites as determined by Program Manager/Executive Director.

3. Breath Alcohol Testing Procedures - Breath Alcohol Technician (BAT) will conduct the breath alcohol testing.

- a. If the employee tests negative on the screening test, the BAT will conduct the drug testing.
- b. If the employee tests positive on the screening test, the BAT will wait 15 or 20 minutes and conduct the confirmation test.
 1. If the confirmation test is negative, the BAT will conduct the drug testing.
 2. If the confirmation test is positive, the BAT will notify the Program Manager/Executive Director.

4. Drug Testing Procedures

- a. If an employee is scheduled for testing, a Supervisor will if necessary transport selected employee(s) to the collection site.
- b. Refusal of drug test will be recorded as a positive test for DOT reporting purposes.

III. REASONABLE SUSPICION TESTING

A. Covered Employees

Transportation employees are subject to Reasonable Suspicion Testing. Employees once notified of an impending test do not have the option of selecting treatment in lieu of testing.

B. Basis for Conducting Reasonable Suspicion Testing

The agency will conduct reasonable suspicion testing based on "specific observations concerning the appearance, behavior, speech or body odors of the employee." This means that such testing will occur only when a supervisor trained in detecting the symptoms of alcohol misuse or

drug use has observed behaviors, appearance or physical symptoms that can be described to another supervisor and which have just occurred.

C. Reasonable Suspicion Investigation

1. When a Supervisor has reasonable suspicion to believe that an transportation employee on duty, about to go on duty, just completed duty, or on agencies premises and is under the influence of drugs or alcohol, the following steps must be taken:
 - a. Remove the employee from duty immediately
 - b. The appropriate Department Manager/Director or designee will conduct investigation to determine whether there is sufficient evidence to warrant testing.
 - c. All supervisory staff involved will document the observations leading to their suspicion that the employee is under the influence of drugs or alcohol.
2. If the investigation confirms reasonable suspicion to test, testing will occur.

D. Alcohol Testing under Reasonable Suspicion

The Breath Alcohol Technician (BAT) will conduct the alcohol testing.

- a. If the employee tests negative on the screening test, the BAT will conduct the drug testing.
- b. If the employee tests positive on the screening test, the BAT will wait 15 or 20 minutes and conduct the confirmation test.
 1. If the confirmation test is negative, the BAT will conduct the drug testing.
 2. If the confirmation test is positive, the BAT will notify Program Manager/Director and conduct the drug testing.

IV. POST ACCIDENT TESTING

- A. Transportation Employees
- B. Definition of Accident Requiring Testing Under DOT/FTA Regulations and Ben Franklin Transit.
 - 1. Results in a fatality.
 - 2. Results in an injury requiring immediate treatment away for the accident scene.
 - 3. Results in any involved vehicle being disabled such that it must be towed from the scene.
- B. Notify Ben Franklin Transit and follow BF Transits policy.

THRESHOLDS/DISCIPLINE

The Arc of Tri-Cities has a zero tolerance for employees who test positive for illegal drugs and for employees who test positive for alcohol at a 0.04 alcohol level or higher. Those employees will be discharged.

DRUGS

The consumption of illegal drugs is prohibited at all times. A drug 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. Any employee with a confirmed positive drug test or any employee refusing drug testing will be terminated from employment with The Arc of Tri-Cities. While safety sensitive employees must submit to drug tests in accordance with company policy, all other The Arc of Tri-Cities employees must also submit to drug and alcohol testing under The Arc of Tri-Cities authority.

ALCOHOL

A. POSITIVE ALCOHOL TEST AT LEVEL OF 0.04 OR HIGHER

Any employee who tests positive for alcohol at a 0.04 alcohol level or higher will be discharged.

Covered employees must submit to alcohol tests in accordance with The Arc of Tri-Cities policy. The employee will be given information to contact the EAP for advice on resources available to evaluate and resolve problems associated with

alcohol misuse. This does not negate or change the discharge of the employee for violating the policy.

B. POSITIVE ALCOHOL TEST AT A 0.02 - 0.039 LEVEL

1. If the alcohol test results are between 0.02 and 0.039, the department manager will:
 - Remove the employee from a safety-sensitive position for at least eight hours.
 - Hold a disciplinary hearing.
 - During the time employee is on unpaid leave for evaluation and treatment, they may use any accrued paid leaves or vacation consistent with department policy
2. The employee must successfully complete all the following before being allowed to return to work:
 - Contact the EAP within 24 hours of getting test results for a referral to and assessment by a Substance Abuse Professional (SAP).
 - Complete a treatment and rehabilitation program as developed by the SAP.
 - Undergo a return-to-duty test with a “0” reading for alcohol and a negative drug test result prior to returning to work.
 - The employee must sign a Return to Work Agreement outlining:
 - Return-to-duty drug and alcohol testing schedule; and
 - Ongoing treatment, aftercare conditions, follow-up and random testing for up to three years with a minimum of six tests the first year; and
 - Meet expected work and attendance standards; and

Any employee who has a second positive test, at any level, under any testing circumstance within five years of the last positive test will be discharged.

C. POSITIVE ALCOHOL TEST AT A 0.01 - 0.019 LEVEL

An employee who tests for alcohol at a 0.01 - 0.019 levels will be given a written reprimand and be provided information about the EAP.

A second test at this level will require the employee to complete all the requirements listed in Section B-2 above.

A third positive test at any level, within five years from the second positive test, will result in discharge of employee.

Contact Person:

Program Manager
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