

**DRUG AND ALCOHOL POLICIES**  
**for**  
**Audubon Area Community Services, Inc.**

**Safety-Sensitive Positions**  
**June 2009**

**POLICY STATEMENT/OVERVIEW**

Audubon Area Community Services, Inc. (AACS) is dedicated to protecting the safety, health and well being of our employees and other individuals in our workplace. The objective and purpose of Audubon Area Community Services, Inc.'s Drug and Alcohol Policy is to ensure a safe, drug and alcohol free, working environment for the employees and customers we serve. It is our intention to prohibit drug use and alcohol misuse in the workplace. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage covered employees to seek professional assistance anytime problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties. A copy of the policy shall be provided to every safety-sensitive employee. The policy shall be in accordance with the provisions, requirements and regulations of the Federal Transit Administration Drug and Alcohol Rule, Prevention of Prohibited Drug Use in Transit Operations, Prevention of Alcohol Misuse in Transit Operations, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

The *Drug and Alcohol* Policy is also in accordance with Audubon Area Community Services, Inc.'s agency provisions herein expressed in italics. **Herewith expressed in bold and italics are Federal Motor Carriers Safety Alliance (FMCSA).**

**POLICY ON EMPLOYEE JOB CATEGORIES SUBJECT TO TESTING**

All covered employees and volunteers (only volunteers who operate a vehicle designed to transport 16 or more passengers including the driver) who perform safety-sensitive functions must be subject to the testing provisions set forth in the FTA/DOT regulations, Part 655. FTA has determined that safety-sensitive functions are performed by those who:

- 1) Operate revenue service vehicles including when not in revenue service
- 2) Operate non-revenue service vehicles that require drivers to hold CDLs
- 3) Dispatch or control revenue service vehicles
- 4) Maintain revenue service vehicles or equipment used in revenue service except for contractors to Section 5311 transit agencies
- 5) Provide security and carry a firearm
- 6) Supervisors who perform any of the above functions or control movement of revenue service vehicle. (Supervisors of covered employees in these categories but who do not themselves perform these functions are excluded)

- 7) Contractor employees that stand in the shoes of Transit System employees also have to comply.

Attachment I is a list of the safety-sensitive job functions and corresponding position titles that identifies which employees are specifically covered, *including those under FMCSA rules*.

## **PARTICIPATION AS A REQUIREMENT OF EMPLOYMENT**

Participation in Audubon Area Community Services, Inc.'s prohibited substance testing program is a requirement of each safety-sensitive employee and, therefore, is a condition of employment prescribed by Federal Transit Administration safety-sensitive positions.

Under the FTA drug testing regulation for safety-sensitive covered employees, Audubon Area Community Services, Inc. is required to conduct laboratory testing of urine specimens for five types of drugs and alcohol. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past. The FTA regulation requires testing for the following **prohibited drugs** or their metabolites:

- Cannabinoids (Marijuana)
- Cocaine
- Opiates (e.g. heroin, morphine, codeine)
- Phencyclidine (PCP)
- Amphetamines (e.g., racemic amphetamine, dextroamphetamine, and methamphetamine)
- Alcohol

*Participation in Audubon Area Community Services, Inc.'s prohibited substance testing program is not a requirement of non-safety sensitive employee and therefore, not a condition of employment.*

## **REQUIRED HOURS OF COMPLIANCE**

### **Alcohol:**

An employee must not consume alcohol while performing a safety-sensitive function, four hours prior to performing a safety-sensitive function, and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first. This includes the use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or other substance such that alcohol is present in the body while performing transit business is prohibited. Testing for alcohol can only occur just before, during, or just after the performance of a safety -sensitive function.

*AACS employees shall not use or be under the influence of alcohol or drugs in the workplace during work hours, while attending agency related activities or while operating a leased or agency-owned vehicle.*

### **Drugs:**

Use and ingestion of prohibited drugs are prohibited at all times. Testing for prohibited drugs can occur at all times and days of the on-duty work period.

*Employees who are convicted of a drug violation must be reported to the grantor within 10 working days as in compliance with the Drug Free Workplace Act of 1988. Employees who violate drug and alcohol rules are subject to disciplinary procedures and action.*

*AACS shall determine appropriate discipline and/or discharge actions. No employee will be permitted to drive either an agency or his/her own vehicle on agency business while taking OTC or prescribed medication unless any side effects have been duly considered and non-impairment can be assured. All prescribed or OTC medications shall be researched in the Physician Desk's Reference and/or other references to assure that the side effects of the medication do not impair the driving ability or endanger the safety of the employee(s) and passenger(s). (Section 6.10, pages 1 through 3).*

## **PROHIBITED BEHAVIOR**

### **Alcohol:**

Prohibited employee conduct includes using alcohol while performing safety-sensitive functions, using alcohol within four hours prior to performing safety-sensitive functions, performing a safety-sensitive function with an alcohol concentration 0.04 or greater, using alcohol eight hours following an accident which requires employee to take an alcohol test.

### **Drugs:**

Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on AACS premises, in AACS vehicles, or during AACS work-related functions.

***FMCSA regulations also state that no driver shall report for duty or remain on duty requiring the performance of a safety-sensitive function when the driver used any controlled substance, except when the use is pursuant to the instruction of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Refusing to take an alcohol test is prohibited conduct.***

*Employees are prohibited from engaging in unlawfully manufacturing, distributing, dispensing, possessing, transfer, purchase, or under the influence of alcohol, controlled or illegal substances while on AACS property consistent with the Drug-Free Workplace Act of 1988.*

*Possession of drugs or alcohol on transit vehicles, in any transit facilities, or work premises is prohibited. AACS employees shall not use alcohol or be under the influence in the workplace, during work hours, while attending work-related functions or while operating an agency-owned or leased vehicle. (Section 6.10, pages 1 through 3).*

## CIRCUMSTANCES FOR TESTING

The Federal Transit Administration requires that drug and alcohol tests be given to safety-sensitive covered employees in specific circumstances:

- pre-employment or transfer to Safety-Sensitive function (Drug only)
- reasonable suspicion
- post-accident
- random

In addition to the above four types of testing, transit systems are also required to perform blind sample testing as a quality assurance measure for the testing laboratory. The National Toxicology Systems (NTS) will conduct a blind sample out of 100 test performed.

### I. Pre-employment Testing

The FTA regulations require that all applicants for employment in safety-sensitive positions or individuals being transferred into safety-sensitive positions must be given pre-employment tests. Covered employees may not be hired or assigned to the safety-sensitive function unless they pass the test.

FTA regulations prohibit Audubon Area Community Services, Inc. from assigning an individual who has violated either drug regulations to a safety-sensitive position. However, if in the future, the same individual applies again for a safety-sensitive position, Audubon Area Community Services, Inc. shall administer the drug/alcohol test again. Applicants who fail/refused a pre-employment drug test must show evidence of treatment to re-apply.

FTA regulations permit, but do not require, the release of the results to the person being tested. However, prior to making a final decision to verify a positive drug/alcohol test result, the Medical Review Officer (MRO) must give the applicant an opportunity to discuss the results.

If a pre-employment drug/alcohol test is canceled, Audubon Area Community Services, Inc. shall require the employee or applicant to submit to and pass another test. Receipt by the transit system of a negative drug test result is required prior to employment. A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position (i.e., return from Worker's Comp. return from leave of absence) if leave exceeds 90 days, and have been out of the random testing pool during that time period.

***FMCSA regulations only: Pre-employment testing for controlled substances may be required under these circumstances: if a driver has participated in a program meeting the requirements within the previous 30 days and was tested within the past six (6) months and participated in random testing for the previous 12 months. It will be ascertained that the driver has not had a violation of the FMCSA rule or the rule of another USDOT agency within the previous six (6) months. Testing information will be obtained from the driver's previous employers for the preceding two (2) years.***

Passing a drug/alcohol test is a condition of employment for safety-sensitive positions and shall be stated in newspaper notices and other forms of vacancy announcements. Applicants must sign a form acknowledging that they know that they will be tested (See Attachment II). Testing procedures will be in accordance with "Procedures for Transportation Workplace Drug and Alcohol Testing Program" 49 CFR Part 40, as amended.

## **II. Reasonable Suspicion Testing**

FTA regulations require safety-sensitive employees to submit to a test when an Audubon Area Community Services' supervisor has reasonable suspicion that an employee has used prohibited drugs or misused alcohol as defined in FTA regulations. AACS supervisor's request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the safety-sensitive employee.

Reasonable suspicion requires some indication of probable linkage between behavior or events and substance abuse. If a supervisor, trained to identify the signs and symptoms of drug and alcohol use, reasonably concludes that objective facts may indicate drug use or alcohol misuse, this is sufficient justification for testing.

A reasonable suspicion test for alcohol or drugs (observation made before, during, or just after performance of a safety-sensitive function) should be conducted as soon as possible. If alcohol test is not conducted within two (2) hours, the reasons for the delay must be documented. If not done within eight (8) hours of the decision to test, the testing must be discontinued. Even if the test cannot be conducted, an employee whose behavior or appearance is indicative of being under the influence of or impaired by alcohol must be removed from a safety-sensitive position for eight (8) hours. If drug test is not done within 32 hours, then the test must be discontinued. Documentation will be maintained on events and referrals.

**For FTA and FMCSA covered employees a written record must be made of the observation leading to the test for controlled substance or alcohol and signed by the Supervisor who made the observation, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.**

## **III. Post-Accident Testing**

The FTA regulations require testing for prohibited drugs and alcohol in the case of certain mass transit accidents. Post-accident testing is mandatory for accidents where there is loss of life and for other nonfatal accidents which require medical treatment or cause disabling damage unless the employee's performance can be discounted completely as a causative or a contributing factor.

An accident is defined as an occurrence associated with the operation of a vehicle in which:

- An individual dies
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident (this includes a passenger having an accident on the transit vehicle).

- The mass transit vehicle involved is a bus, electric bus, van, or an automobile in which one or more vehicle (not necessarily the transit vehicle) incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

*Employees involved in a vehicle accident in an agency vehicle may be required to have drug/alcohol tests. Section 6.10, page 3 of 3, paragraph 11.*

For fatal accidents, AACS must test each surviving safety-sensitive employee on duty in the vehicle at the time of the accident. Safety-sensitive covered employees not in the vehicle whose performance could have contributed to the accident (as determined by the Supervisor) must be tested.

For nonfatal accidents, AACS shall test any other safety-sensitive employee whose performance could have contributed to the accident, as determined by AACS using the best information available at the time of the accident. Detailed documentation will be maintained of all decisions to test/not to test.

**CDL drivers under FMCSA regulations shall be subject to drug/alcohol testing if the employee received a citation under State or local law for a moving violation arising from the accident.**

Post accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within 32 hours following the accident. Alcohol tests must be performed within 8 hours.

If an alcohol test is not administered within 2 hours following the accident AACS must still attempt to administer the test, and also prepare and maintain on file a record stating the reason(s) the test was not promptly administered. If an alcohol test is still not administered within 8 hours following the accident, AACS shall cease attempts to administer an alcohol test and shall maintain the same record.

The requirement 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 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 AACS knows the location of the safety-sensitive employee.

Steps to follow in a post-accident situation are summarized as follows:

- Treat any injury first
- Cooperate with law enforcement officers
- The need for testing is ascertained.

- Conduct test promptly
- Collect accident documentation promptly

In rare circumstances, Federal, State, or local officials' post-accident test (even blood test) can be accepted.

*Under FTA and FMCSA, the results of a breath or blood test for the use of alcohol conducted by Federal, State, or local officials having independent authority for the test can be accepted provide such tests conform to the applicable Federal, State, or local alcohol testing requirements and the results are obtained by the employer. This also applies to the results of a urine test for the use of controlled substance.*

#### **IV. Random Testing**

Audubon Area Community Services, Inc. will use a scientifically valid random number selection method to select safety-sensitive covered employees. The Office of Transportation Delivery of KYTC will conduct a computer-based, random-number generated monthly random pull for all members of the Statewide Drug and Alcohol Consortium. AACS is a member of the statewide Drug and Alcohol Consortium. The Annual rate calculated for AACS safety-sensitive positions is based on participation in the statewide pool.

Test dates will be spread reasonably throughout the year to prevent establishing a predictable pattern. Testing will be performed on different days of the week and at different times throughout the annual cycle and during all days and hours of operations (including weekends and nights).

The process must be unannounced as well as random. Once the Supervisor notifies the employee that they have been selected for testing, the employee must report immediately to the collection site. All safety-sensitive covered employees in the random pool will have an equal chance of being selected for testing and shall remain in the pool, even after being tested. It is possible for some covered employees to be tested several times a year. Employee participation in random sampling will not be subject to management or operations discretion.

#### **Employee Notification of Random Testing Procedure**

- Receive notification from the Drug and Alcohol Consortium of employee identification number for testing.
- Employee shall be afforded the maximum privacy possible and discreetly notified to report to the collection site by the supervisor
- Employee shall be afforded the transportation to and from the testing site.

#### **V. Return to Duty and Follow-up Testing**

AACS is adopting a no tolerance policy for positive Drug and Alcohol tests of greater than 0.04, therefore Return to Duty Testing and Follow-up Testing will not be a part of AACS' policy.

#### **BEHAVIOR THAT CONSTITUTES A REFUSAL TO SUBMIT TO A TEST**

##### **Kinds of behavior that constitute a refusal:**

- Refusal to take the test (verbal refusal or physical absence)
- Inability to provide sufficient quantities of breath or urine to be tested without valid medical explanation

- Tampering with or attempting to adulterate the specimen or collection site in the time allotted
- Leaving the scene of an accident without a valid reason before tests have been conducted
- Failing to appear within a reasonable time – defined by AACS
- Leaving collection facility prior to test completion
- Failing to permit an observed or monitored collection when required
- Failing to take a second test when required
- Failing to undergo a medical examination when required
- Failing to cooperate with any part of the testing process
- Failing to sign Step 2 of alcohol test form
- MRO verified adulterated/substituted sample
- Once test is underway, failing to remain at site and provide a specimen
- For pre-employment, NOT refusal: failure to appear
- For pre-employment, NOT refusal: Failure to remain at site prior to commencement of test
- For Pre-employment, NOT refusal: Aborting the collection before the test commences
- No claim that refusal to take a company test is a refusal to DOT test
- 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;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- Admit to the collector or MRO that you adulterated or substituted the specimen.”

## **TESTING PROCEDURE**

Testing procedures will be in accordance with “Procedures for Transportation Workplace Drug and Alcohol Testing Program” Part 40, as amended. This regulation in its entirety may be viewed in the Human Resources office.

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 the 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.

### **Observed Collections**

Audubon Area Community Services, Inc. must authorize an observed collection when:

- (1) The most recent urine specimen provided by the employee was determined by the lab to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 G/L
- (2) Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit.
- (3) Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.

- (4) Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- (5) Anytime 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;
- (6) Anytime 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.

Supervisor of the collection site person shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. The direct observation must be by a collection site person of the same gender as the employee being tested.

The FTA regulation requires that all drug testing laboratory results must be reviewed by a qualified Medical Review Officer (MRO). The purpose of this review is to verify and validate test results. An MRO is defined in the regulation as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program 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. Before the MRO verifies a test as positive, the MRO must directly contact the employee to discuss the results to ascertain if there may be a legitimate medical explanation for the result. If the MRO then verifies the test as positive; the MRO will give the employee 72 hours to request a test of the split sample.

The MRO can notify Human Resource Director or Transportation Manager, of the use of other performance-deteriorating substances that, in the MRO's reasonable medical judgment, may medically disqualify a person from performing a safety-sensitive function.

AACS's MRO is Dr. Greg Elam of National Toxicology in Nashville, TN Phone (615) 353-1888.

AACS shall strictly adhere to all standards of confidentiality and assure all covered employees that testing records and results will be released only to those authorized by the FTA rules to receive information. FTA test results can only be released under the following circumstances: Employers shall release information or copies of records regarding an employee's test results to a third party only as directed by specific written instruction of the employee; employers may disclose information related to a test result to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee tested; upon written request, employers must promptly provide an employee with any records relating to his/her test; employers must release information to the National Transportation Safety Board about any post-accident test performed for an accident under NTSB investigation; or, employers shall make available copies of all results of employer testing programs when requested by USDOT or any DOT agency with Regulatory Authority over the employer or any of its employers. Confidentiality will be maintained throughout the process.

### **Alcohol Testing**

FTA regulation requires Audubon Area Community Services, Inc. to conduct alcohol testing on safety-sensitive covered employees. The breath specimen must be collected through the use of an evidential breath testing device (EBT) or Non-Evidential Screening Device (NHTSA) that is approved by the National Highway Traffic Safety Administration (NHTSA). The test must be performed by a breath alcohol technician (BAT) or a screening test technician (STT).

FTA regulation prohibits any employer from allowing an employee with an alcohol concentration of 0.04 or greater to perform any safety-sensitive duties until he/she has been evaluated by an SAP and has passed a return to duty test. An employee with an alcohol concentration of 0.02 or greater but less than 0.04 must be removed from duty for eight (8) hours or until a retest shows an alcohol concentration of less than 0.02. The source of the alcohol does not matter (beer, mouthwash, etc.)

Testing site Personnel should notify the Human Resources Director or Transportation Manager, if an individual does not report for a test in the designated time frame.

### **CONSEQUENCES OF THE USE OF DRUGS AND THE MISUSE OF ALCOHOL**

#### **Any safety-sensitive employee who refuses to submit to a test:**

Result:

Pre-employment test

- disqualifies applicant from being hired

Post Accident and Random tests

- immediate removal from safety-sensitive function
- considered as automatic positive test, see consequences below

#### **Any verified positive drug test result:**

Consequences:

Pre-employment test with a verified positive

- disqualifies applicant from being hired

Post Accident and Random Tests with a verified positive

- employee must be referred to a USDOT – qualified Substance Abuse Professional
- immediate termination

#### **Any Alcohol Concentration (BAC) of 0.04 or greater:**

Consequences:

Pre-employment test with a BAC of 0.04 or greater

- disqualifies applicant from being hired

Post Accident and Random Tests with a BAC of 0.04 or greater

- employee must be referred to a USDOT – qualified Substance Abuse Professional
- immediate termination

**Any Alcohol Concentration of 0.02 or greater but less than 0.04:**

Consequences:

Pre-employment test with a BAC of 0.02 to 0.039

- disqualifies applicant from being hired

Post Accident and Random tests with a BAC of 0.02 to 0.039

- immediate removal from safety-sensitive function for 8 hours or until a retest shows an alcohol concentration of less than 0.02
- disciplinary action up to and including termination

**Any Dilute Negative**

Consequences:

Pre-employment test with any dilute negative

- disqualifies applicant from being hired until a retest is completed with negative results

Post Accident and Random tests with any dilute negative

- immediate removal from safety-sensitive function
- must be re-tested

**Any Dilute negative results 2-5 mg/dl**

Consequences:

Pre-employment test with any dilute negative results 2-5 mg/dl

- disqualifies applicant from being hired until a retest is completed with negative results

Post Accident and Random tests with any dilute negative results 2-5 mg/dl

- immediate removal from safety-sensitive function
- must be retested

**FMCSA covered employees are removed from his/her safety-sensitive position for 24 hours and a retest shows an alcohol concentration of less than 0.02.**

*It is AACS mandated policy for disciplinary action including termination of employment for the use of alcohol/drugs on premises/vehicles/agency time. (Section 11.6, page 3 of 3) (d).*

## **IDENTITY OF CONTACT PERSONS**

### **The Drug and Alcohol Program Manager(s)**

AACS' Human Resources Director, Transportation Manager, and Assistant Transportation Manager are the person(s) that represent(s) Audubon Area Community Services, Inc as a contact for Drug and Alcohol Program employee inquiries. Questions about the drug and alcohol program may be addressed to the above individual(s) at the office location and telephone number:

686-1619 (Transportation Manager)

686-1619 (Assistant Transportation Manager)

1416 W 9<sup>th</sup> Street

Owensboro, Kentucky 42301

FAX: 270-684-8714

686-1646 (Human Resources Director)

1700 West 5<sup>th</sup> Street

Owensboro, Kentucky 42301

FAX: 270-686-1796

Records associated with Drug and Alcohol Testing Program will be maintained, separate from personnel files, in a locked cabinet located in a locked office.

Contact person(s) name, office location and telephone number shall be posted on bulletin board in all AACS locations that employ staff whose positions are classified as safety-sensitive.

Posting will also reflect any new contact persons for AACS' Drug and Alcohol Program.

Audubon Area Community Services, Inc. exceeds the requirements of the Federal regulations by the following provisions:

*Section 6.10, pages 1 through 3, of the Personnel Policies and Procedures "Drug and Alcohol Free Workplace," clearly states the agency's rules regarding alcohol and drugs. All employees and/or volunteers are to adhere to these policies which are strictly enforced whether or not their positions are classified "safety-sensitive." Violations include illegal use/sale of drugs or alcohol, failure to report all prescribed medication and reporting all OTC medication for study before driving the employee's personal, agency-owned or leased vehicle for agency-related business. Also, failure to report any convictions regarding any types of drugs is cause for disciplinary action up to and including termination.*

## **POLICY COMMUNICATION**

Covered employees shall be made aware of the Audubon Area Community Services, Inc. Drug and Alcohol Policy and the effect it will have on them. A copy of the policy shall be given to each safety-sensitive employee. Each safety-sensitive employee shall sign and date a confirmation of receipt. See Attachment III. Additionally the policy shall be communicated by the following:

- Orientation Sessions
- Written materials
- Informational material displays
- Ongoing dialogue
- Ongoing Awareness Program

Minimum training requirements include: 60 minutes for Safety-Sensitive covered employees on the indicators of drug use and on the effects and consequences of prohibited drug use on personal health, safety, and the work environment; Specific training for supervisors who determine when it is appropriate to administer reasonable suspicion drug or alcohol test, a minimum of 60 minutes training given on drugs and another minimum 60 minutes on alcohol.

The Program Managers and Supervisors are required to attend all Office of Transportation Delivery/KYTC FTA/USDOT training.

Community Service Hotline Numbers are posted on company bulletin boards and include the following: Information on Employee Assistance Programs and Program Managers. Implementation of the FTA mandated drug and alcohol program is not subject to bargaining, unless Audubon Area Community Services, Inc. chooses not to accept FTA funding. The policy stated herein is subject to technical revisions and/or modification by the Federal government and or changes/revisions by the agency.

**POLICY APPROVAL BY GOVERNING BOARD**

Final governing board approval for Audubon Area Community Service's Drug and Alcohol Policy is made this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Board Chairman Signature

\_\_\_\_\_  
Executive Director

## ATTACHMENT I

**Safety Sensitive Positions** – A duty positions or job category which requires the performances of a safety sensitive function(s) such as those job titles listed below:

- Bus or Van Operators
- Fixed Route Drivers
- Paratransit Drivers
- Dispatchers/Reservationists (including backups)
- Transportation Director
- Transportation Manager
- Assistant Transportation Manager
- Garage Attendant
- Driver Trainer
- Fleet Maintenance Manager
- Operations Office Manager

Should any of the Code of Federal Register sections cited in the policy of procedures change AACS will so notify employees.

**ATTACHMENT II**

Audubon Area Community Services, Inc.

**APPLICANT ACKNOWLEDGMENT OF DRUG TEST  
REQUIREMENT**

I understand that as part of my application for employment I must successfully complete a USDOT drug test. I understand that a negative test result is required before I will be considered for hire.

I also understand that I will be subject to Drug and Alcohol testing throughout my period of employment.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**YOUR APPLICATION WILL BE CONSIDERED INCOMPLETE IF THIS  
NOTICE IS NOT SIGNED AND DATED!**

**ATTACHMENT III**

I have received a copy of Audubon Area Community Services, Inc.'s Drug and Alcohol Policies and Procedures. I acknowledge that I have read and understand the policies on drugs and alcohol. I also acknowledge by my signature below that I understand that my position is classified as safety-sensitive and understand that I must abide by the procedures as set forth in Audubon Area Community Services, Inc.'s Drug and Alcohol Policies.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee Name (Printed)

## **Glossary of Terms**

### **DEFINITIONS**

**AACS** – Audubon Area Community Services, Inc. is a non-profit community action agency providing transportation services through Green River Intra-transit Systems program.

**ADULTERATED** – A specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

**ALCOHOL** – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol. A liquid depressant which slows down physical responses and progressively impairs mental functioning. Usually leaves a distinctive odor on the user's breath.

**AMPHETAMINES** – Central nervous stimulants that speed up the mind and body and most often appear in capsule form. Also called "speed" or "crystal", they may be taken orally, injected or inhaled through the nose.

**ASSAY** – Initial test required by the regulations to be run on the urine specimen. This test is based on the ability of Antibodies to recognize drugs in biological fluids. If any prohibited drug registers positive on this first test, the confirmatory test (see GCMS) is then run.

**BREATH ALCOHOL TECHNICIAN (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing Device (EBT).

**CANNABINOIDS** (marijuana) – A hallucinogen made from a plant substance called Cannabis Sativa. It contains an active ingredient, the chemical Tetrahydrocannabinol(THC), ingested in various ways, primarily through smoking the leaf. It acts almost exclusively on the brain, altering the proper interpretation of incoming messages, perceptions and senses.

**CHAIN OF CUSTODY** – Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition. With respect to drug testing, these procedures will require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the samples within the laboratory.

**COCAINE** – A drug derived from the coca bush, which is usually converted to powder for use, often by inhaling through the nose or injecting in veins. It is a powerful physical and mental stimulant. "Rock" or "Crack" is a variant.

**COMMERCIAL DRIVERS LICENSE (CDL)**

**CONFIRMATION (CONFIRMATORY TEST)** – In drug/alcohol testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry {GC/MS} is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

**CONTROLLED SUBSTANCES** – Those substances, whose dissemination is controlled by regulation or statute, including, but not limited to narcotics, depressants, stimulants, hallucinogens and cannabis.

**COVERED EMPLOYEE** – A Sample Program employee, including contractors, volunteers, and applicants.

**DEPARTMENT OF TRANSPORTATION (DOT)**

**DHHS** – The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

**DRUG**- Any substance which affects an employee's ability to perform her/his job or poses a threat to the safety of others. This definition includes "over-the-counter" drugs and/or drugs which require a prescription or other written approval from a licensed practitioner/physician or dentist for their use.

**DILUTED** – Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine. The HHS has determined that specimens with creatinine levels greater than or equal to 2.0 mg/dL but less than 20.0 mg/dL and have a specific gravity greater than 1.0010 but less than 1.0030 are dilute. Individuals with creatinine levels greater than or equal to 2.0 mg/dL but less than 5.0 mg/dL are required to be retested under direct observation.

**EMPLOYEE ASSISTANCE PROGRAM (EAP)** – A program provided directly by an employer or through a contracted service provider, to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through an EAP.

**EVIDENTIAL BREATH TESTING DEVICE (EBT)** – An EBT by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices”(CPL).

**FEDERAL MOTOR CARRIERS SAFETY ALLIANCE (FMCSA)**

**FEDERAL TRANSIT ADMINISTRATION (FTA)**

**FIT FOR DUTY** – An employee is fit for duty when she/he is unequivocally able to perform her/his job duties, including when she/he is ready to work or working without the presence of any alcohol or the presence of any specified drugs or their metabolites as prescribed by this Drug and Alcohol Policy.

**GC/MS** – Gas chromatography/mass spectrometry, which is the second or confirmatory test for the positive assay test. This is considered the most accurate and reliable test technique available.

**INVALID** – An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

**KENTUCKY TRANSPORTATION CABINET (KYTC)**

**MANAGEMENT INFORMATION SYSTEM (MIS)**

**MARIJUANA** (See Cannabinoids)

**MEDICAL REVIEW OFFICER (MRO)** – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test results together with his or her medical history and any other relevant biomedical information.

**NON-EVIDENTIAL SSCREENING DEVICE (NESD)**

**OPIATES** – Narcotic drugs which depress body functions and reactions and in large doses may cause euphoria. Opiates include Opium, Morphine, Codeine, Heroin, Demerol, and Percodan, etc.

**OVER-THE-COUNTER** – Includes medication that can be purchased without a prescription but which contains alcohol derivatives or other drugs which may affect an individual physiologically (cold medicine, back pain relievers, allergy tablets, etc.)

**PHENCYCLIDINE** – A drug which acts simultaneously as a depressant and hallucinogen and often produces extreme mood shifts. Often called PCP, it is usually sold as a powder and mixed with marijuana.

**POST-ACCIDENT-TEST** – A drug/alcohol test administered to an employee when an accident (defined in the procedures) has occurred and the employees contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.

**PRE-EMPLOYMENT TEST** – A drug/alcohol test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.

**PROHIBITED DRUG** – Marijuana, cocaine, opiates, amphetamines, or phencyclidine.

**QUALIFIED LABORATORY** – A laboratory certified by DHHS to conduct urine drug testing and which sensitive position and who is reasonably suspected by the recipient, operator, or FTA administrator.

**RANDOM TEST** – A drug/alcohol test given to a predetermined percentage of employees who perform in safety-sensitive functions and who is selected on a scientifically defensible random and unannounced basis.

**REASONABLE SUSPICION TEST** – A drug/alcohol test given to a current employee who performs in a safety-sensitive position and who is reasonably suspected by a trained supervisor of using a prohibited drug.

**RETURN TO DUTY TEST** – An initial drug/alcohol test prior to return to duty and additional unannounced drug test (for a period up to 60 months) given to employees performing in safety-sensitive functions that previously tested positive to a drug/alcohol test and are returning to safety-sensitive positions. A return to duty test is also required of an individual who has refused another type of test required by the FTA rule.

**REVENUE SERVICE VEHICLE** – A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, and ferryboat.

**SAFETY-SENSITIVE FUNCTION** – Any of the following duties:

- 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;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining a Sample Program vehicle, or equipment (except for outside contract services);
- Carrying a firearm for security purposes.

- Person who supervises any of the above

(See Appendix A for a complete listing of covered employees).

**SAFETY-SENSITIVE POSITION** – A duty positions or jobs category that requires the performance of a safety-sensitive function(s).

**SCREENING TEST TECHNICIAN (STT)**

**SHIPPING CONTAINER** - A container capable of being secured with a tamper-evident seal that is used to transfer one or more urine specimen bottle(s) and associated documentation from the collection site to the laboratory.

**SPECIMEN BOTTLE** – A labeled and sealed bottle used to transmit a urine sample to the laboratory.

**SPLIT SPECIMEN** – An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive.

**SUBSTANCE ABUSE PROFESSIONAL (SAP)** – A licensed physician (medical doctor or doctor of osteopathy), Or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the national Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**SUBSTITUTED** – Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine. The HHS has determined that specimens with creatinine levels of less than 2.0 mg/dL are substituted.

**VERIFIED NEGATIVE** (drug test result) – A drug test result reviewed by a Medical Review Officer and determined to have no evidence of prohibited drug use.

**VERIFIED POSITIVE** (drug test result) – A drug test reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

**VIOLATION RATE** – The number of covered employees found during random tests to have an alcohol concentration of 0.04 or greater, plus the number of employees who refuse a required random test, divided by the total reported number of employees in the industry given random alcohol tests plus the total reported number of employees in the industry who refuse a random test.