

SouthWest Transit Commission



Drug and Alcohol Policy

Adopted: January 27, 2000

Revised and Adopted: September 27, 2001

Revised and Adopted December 13, 2001

Revised and Adopted June 23, 2005

Revised and Adopted January 30, 2007

Revised and Adopted August 28, 2008

Revised and Adopted October 8, 2009

Administratively Updated July 8, 2013

Revised and Adopted May 22, 2014

Revised and Adopted January 11, 2018

Revised and Adopted February 28, 2019



This policy sets forth the SouthWest Transit policy on alcohol and controlled substance abuse including the drug and alcohol testing programs. The policy is based on the requirements set forth in the Federal Transit Administration (FTA) regulations 49 CFR Part 655, and the testing procedures outline in 49 CFR Part 40. Requirements and/or disciplinary actions established by SouthWest Transit are entered in **bold-faced type** otherwise the requirements and/or actions are mandated by the FTA.

Approved by the SouthWest Transit Commission September 27, 2001.

Revised and Adopted by the SouthWest Transit Commission September 27, 2001.

Revised and Adopted by the SouthWest Transit Commission December 13, 2001.

Revised and Adopted by the SouthWest Transit Commission June 23, 2005.

Revised and Adopted by the SouthWest Transit Commission January 30, 2007

Revised and Adopted by the SouthWest Transit Commission August 28, 2008

Revised and Adopted by the SouthWest Transit Commission October 8, 2009

Administratively Updated July 8, 2013

Revised and Adopted by the SouthWest Transit Commission May 22, 2014

Revised and Adopted by the SouthWest Transit Commission January 11, 2018

Revised and Adopted by the SouthWest Transit Commission February 28, 2019

TABLE OF CONTENTS

- I. STATEMENT OF POLICY.....1
 - A. Purpose and Goals..... 1
 - B. Employment Terms..... 1
- II. SCOPE.....2
 - A. Individuals Subject to Testing.....2
 - B. Contractors..... 2
 - C. Alcohol..... 3
 - D. Prohibited Drugs..... 3
 - E. Prescribed Medication.....3
- III. QUALIFICATIONS FOR EMPLOYMENT.....4
 - A. Prohibited Conduct.....4
 - B. Removal from Service.....5
- IV. TESTING CIRCUMSTANCES.....5
 - A. Notice of Testing Circumstances..... 5
 - B. Pre-Employment..... 5
 - C. Post-Accident..... 6
 - D. Random.....8
 - E. Reasonable Suspicion.....8
 - F. Alcohol Concentration $.02 < .04$ 10
 - G. Refusal to Submit 10
 - H. Dilute Results 10
- V. ALCOHOL TESTING METHODOLOGY.....11
 - A. Testing Personnel.....11
 - B. Alcohol Testing Devices..... 11
 - C. Quality Assurance Plan..... 12
 - D. The Alcohol Testing Site.....12
 - E. The Breath Alcohol Testing Form.....12
- VI. ALCOHOL TESTING PROCEDURES.....12
 - A. Screening and Confirmation Testing.....12
 - B. Inability to Provide a Sample..... 13
 - C. Invalid Tests..... 13
 - D. Refusal to Test..... 14

VII.	CONTROLLED SUBSTANCE TESTING METHODOLOGY.....	14
	A. Laboratory Analysis	14
	B. Initial Screening.....	14
	C. Confirmatory Tests.....	14
	D. Specimen Adulteration.....	15
	E. Laboratory Reporting of Test Results.....	15
	F. Specimen Retention and Storage	15
	G. Split Specimen Analysis	15
VIII.	CONTROLLED SUBSTANCE TESTING PROCEDURES.....	16
	A. Urine Specimen Collection.....	16
	B. Specimen Collection Sites.....	16
	C. Chain of Custody and Collection Control.....	16
	D. Individual Privacy.....	17
	E. Specimen Integrity and Identity.....	17
	F. Split Sample Procedures	18
	G. Transportation to Laboratory	18
	H. Failure to Cooperate	18
	I. Refusal to Submit	18
IX.	CONTROLLED SUBSTANCE TEST RESULTS.....	19
	A. Medical Review Officer.....	19
	B. MRO Duties.....	19
	C. Action on Positive Results	20
	D. MRO Determinations.....	21
	E. Disclosure of Information	21
	F. Split Specimen Procedures.....	22
X.	CONFIDENTIALITY AND RECORDKEEPING.....	22
	A. Confidentiality.....	22
	B. Access to Facilities and Records	23
XI.	EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE PROFESSIONAL.....	23
	A. Employee Education	23
	B. Supervisory Training.....	24
	C. Referral, Evaluation and Treatment.....	24
	D. Voluntary Rehabilitation	25

XII. DISCIPLINE.....25
A. Applicants 25
B. Employees.....26
XIII. RECORDKEEPING AND REPORTING..... 26
A. Retention of Records 26

LIST OF APPENDICES

<u>APPENDIX</u>	<u>FORM</u>
A	Notification of Testing
B	Supervisor's Report of Reasonable Suspicion
C	Specimen Collection Procedures
D	Testing Program Administrator and Service Providers
E	Certification of Completion of Drug and Alcohol Awareness Program
F	Policy Approval and Amendments
G	Return to Work Agreement
H	Safety Sensitive Job Function Descriptions
I	Initial and Confirmatory Cut Off Levels
J	Minimum Annual Percentage Rates of Testing.
K	Substance Abuse Testing Log
L	Post Accident Substance Abuse Testing Decision Maker
M	Inquiry for Information Request
N	RX/OTC Memo to Physician

I. STATEMENT OF POLICY

A. Purposes and Goals

SouthWest Transit, the Federal Transit Administration and the U.S. Congress have determined that alcohol abuse and illegal drug use pose specific dangers to the safety and welfare of the Nation. The Federal Transit Administration has specifically noted that the use of alcohol and illegal drugs has been demonstrated to significantly affect the performance of individuals involved in the mass transportation industry. It is therefore the policy of SouthWest Transit and the Federal Transit Administration that safety-sensitive employees in the mass transportation industry be free from the influence of drugs and alcohol.

In order to achieve this goal and to comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 and Federal Transit Administration Regulations, 49 CFR Part 655, SouthWest Transit has developed and is implementing a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol and prohibited drugs by employees who perform safety-sensitive functions in the mass transportation industry, and to deter and detect the use of prohibited drugs by covered employees. While it is difficult to estimate the precise cost to society from alcohol misuse, there is no doubt that the cost is enormous. The potential effects of alcohol misuse are substantial in absenteeism, increased health care costs, etc. and environmental damage. Implementation of this program will also help discourage substance abuse, reduce absenteeism, accidents, health care costs and other drug-related problems, and operate as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently use drugs. Finally, we believe that this program will enhance the safety of our employees and the users of mass transportation by fostering the early identification and referral for treatment of workers with drug or alcohol abuse problems.

SouthWest Transit drug and alcohol testing program is designed to create a drug and alcohol-free mass transportation system and to provide help to those employees who may be suffering from problems with chemical dependency. The program has therefore been developed in compliance with federal regulations in a manner that ensures accurate and reliable test results, thereby eliminating the possibility of any "false positives." It also contains procedures designed to recognize and respect the dignity and privacy of all of our employees. We have also established an appropriate referral, evaluation and treatment program designed to help those individuals desirous of treating problems with alcohol and drug abuse.

B. Employment Terms

Neither the implementation of this policy nor any of the terms of this policy is intended to create a contract, express or implied, with or between SouthWest Transit and employee.

II. SCOPE

A. Individuals Subject to Testing

The drug and alcohol testing required under this *policy* will apply to all “covered employees” as defined in 49 CFR § 655.4, which includes any person, including applicants or transferees, who performs a safety-sensitive function as defined herein. Volunteers are also covered, but only if they operate a vehicle designed to transport sixteen or more passengers, including the driver or receive tangible benefits above their personal expenses.

For purposes of this policy a "*safety-sensitive function*" includes:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining a revenue service vehicle or equipment used in revenue service; or
5. Carrying a firearm for security purposes.

An individual will be considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform or immediately available to perform such functions.

"*Vehicles*" subject to this policy include buses, electric buses, vans, automobiles, rail cars, trolley cars, trolley buses or vessels, non-revenue CMV's, and vehicles used by armed security personnel. "*Mass transit vehicles*" are vehicles used for mass transportation or ancillary services.

In light of the above, the requirements of this policy will specifically apply, as a matter of policy and federal law, to individuals who work in the following positions:

- All Drivers of SouthWest Transit Revenue Service Vehicles
- Vehicle maintenance workers of any kind who maintain a revenue service vehicle or equipment used in revenue service
- Dispatchers
- Project Managers, while performing a safety-sensitive function
- Employees Holding CDL's

* Please see Appendix H for Job Descriptions.

B. Contractors

Under FTA regulations, the requirements of this policy apply to recipients of FTA assistance as defined in 49 CFR Part 655, as well as other entities that provide mass transportation services or perform safety-sensitive functions for such recipients or entities, including subrecipients, operators and contractors.

"Contractors' subject to the requirements of the regulations include persons or organizations that provide services for the above-described "employer" consistent with a specific understanding or arrangement, which can be evidenced by a written agreement or an informal arrangement that reflects an ongoing relationship between the parties. As a result, SouthWest Transit will ensure that any contractors who perform safety-sensitive functions within the scope of this policy and the regulations certify their compliance with the requirements of 49 CFR Part 655.

C. Alcohol

For purposes of this policy, "alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. "Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication, which contains alcohol. "Alcohol concentration" (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

D. Prohibited Drugs

Although this policy prohibits the use of any controlled substances not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine to test for the presence of marijuana metabolites, cocaine metabolites, opiate metabolites, amphetamines and phencyclidine. Please refer to Appendix I for cut off levels for the initial and confirmatory tests.

E. Prescribed Medication and Over the Counter Medications

Employees in safety sensitive positions must make their physician aware of the safety sensitive nature of their work by providing their physician with a copy of the Physician Memorandum(Appendix N), and notifying them of any medications, including prescription over the counter (OTC) or homeopathic/herbal medications that they are taking. The employee may at their option, choose to refer their physician to consult with a Southwest Transit contracted DOT Physician for a review with that physician regarding the medication(s), and its potential effects on fitness for safety sensitive duty. It is the employees duty to be fit to perform their safety sensitive functions; employees should consult the SouthWest Transit "fitness for duty" Policy which reviews employee responsibilities regarding OTC, RX, and Homeopathic drugs and remedies.

III. QUALIFICATIONS FOR EMPLOYMENT

A. Prohibited Conduct

1. Prohibited Drugs

It is SouthWest Transit's policy to have an alcohol and drug free workplace. Therefore, covered employees are prohibited from using, selling, possessing or distributing or manufacturing prohibited drugs at any time. Covered employees are also prohibited from refusing to submit to a required substance abuse test as outlined by this policy.

2. Alcohol

SouthWest Transit's policy and Federal Transit Administration Regulations prohibit the following conduct as it relates to the use of alcohol:

- a. Alcohol concentration - reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- b. On-duty use - using alcohol while performing safety-sensitive functions. Pre-duty use - using-alcohol within four hours prior to performing a safety-sensitive function.
- c. Use following an accident - using alcohol for eight hours following an accident, unless the employee has first undergone a post-accident alcohol test.
- d. Refusal to submit - refusing to submit to any alcohol test required under this policy.

On-call employees are prohibited from using alcohol during their specified on-call hours. However, any on-call employee who has used alcohol during his/her on-call hours will be given the opportunity to acknowledge such use and/or his/her inability to perform a safety-sensitive function at the time he/she is called to report to duty. If an on-call employee acknowledges the use of alcohol, but claims to be able to perform his/her safety-sensitive function, he/she will be required to submit to an alcohol test. **No discipline will be taken against any on-call employee who acknowledges his/her violation of this prohibition, unless such conduct has the effect of making that employee repeatedly unavailable for duty.**

3. Knowledge of prohibited conduct

If SouthWest Transit has actual knowledge that an individual has engaged in any conduct prohibited above, it will not permit that individual to perform or continue to perform safety-sensitive functions. **An applicant who has been covered under a previous DOT safety sensitive regulated employer within three years of application, must authorize SWT to obtain test result data from that employer (see Appendix M).** When an applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment.

B. Removal From Service

1. Prohibited drugs

As soon as SouthWest Transit has received notice from a medical review officer that an employee has a verified positive test result, or upon notice that an employee has refused to submit to a required test, it shall immediately remove the employee from the performance of safety-sensitive functions. **The employee may also be subject to discipline as outlined in Section XII of this policy.**

2. Alcohol

Any employee who has engaged in alcohol-related conduct prohibited by this policy will be immediately removed from the performance of safety-sensitive functions **and may also be subject to any discipline required under Section XII of this policy.**

Any covered employee requested to submit to an alcohol test required under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be disqualified from performing or continuing to perform a safety-sensitive function until the employee's alcohol concentration measures less than .02 in a retest or the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

IV. TESTING CIRCUMSTANCES

A. Notice of Testing Circumstances

Before performing any alcohol or drug test required by this policy, SouthWest Transit will notify the test subject that the test is being required pursuant to this policy and/or Federal Transit Administration Regulations (49 CFR Part 655). Appendix A. SouthWest Transit will not represent that any requested test is required by federal regulations if, in fact, the individual to be tested is not subject to those regulations.

B. Pre-Employment

No individual will be hired to perform a safety-sensitive function, and no employee will be transferred from a non-safety-sensitive function to a safety-sensitive function, unless he/she takes a drug test with a verified negative test result. If for some reason a pre-employment drug test is canceled, the applicant/employee will be required to submit to another test.

When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the SouthWest Transit random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

C. Post-Accident

Any covered employee operating a mass transit vehicle at the time of an accident will be required to submit to tests for alcohol and prohibited drugs as soon as practicable following the accident, if the accident:

1. Involved the loss of human life.
2. Did not involve the loss of human life, but the mass transit vehicle involved was a bus, electrical bus, van, automobile, rail car, trolley car, trolley bus, or vessel. This requirement will not apply if SouthWest Transit determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident and that the employee's performance could not have contributed to the accident.

SouthWest Transit will also test any other covered employee whose performance could have contributed to the accident, as determined by SouthWest Transit using the best information available at the time of the decision.

For purposes of this policy, an "accident" is defined as an occurrence associated with the operation of a vehicle, if as a result:

1. An individual dies;
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
3. With respect to an occurrence in which the mass transit vehicle involved in a bus, electric bus, van, or automobile, one or more vehicles incurs *disabling damage* as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle; or
4. With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from revenue service.

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

"Disabling damage" does not include:

1. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
2. Tire disablement without other damage even if no spare tire is available.
3. Headlamp or taillight damage.
4. Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

Covered employees are prohibited from using alcohol for eight-hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Every effort will be made to conduct post-accident drug and alcohol tests within two hours following an accident. Covered employees involved in accidents must therefore remain readily available for testing, including notifying SouthWest Transit of their location if they leave the scene of the accident before testing, and will be considered to have refused to submit to testing if they fail to do so. This requirement will not, however, require the delay of necessary medical attention for injured people following an accident or 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.

In the event an alcohol test is not administered within two hours following an accident, SouthWest Transit will prepare and maintain a record stating the reasons why the test was not promptly administered. If an alcohol test is not administered within eight hours following an accident, SouthWest Transit will make no further effort to administer an alcohol test and document the reasons why the test was not administered within eight hours. In the event a drug test is not administered within 32 hours following an accident, SouthWest Transit will cease its attempts to administer any further testing.

An employee who is required to submit to a controlled substance and / or alcohol test of this policy shall not be assigned to operate any SouthWest Transit vehicle and / or perform safety sensitive functions pending the outcome of such test. Southwest Transit may, at its option, assign such employee to available non-safety sensitive duties or place him / her on temporary suspension.

An employee whose controlled substance and /or alcohol test produces a negative result shall be promptly returned to his or her former work. An employee may be reimbursed any lost wages on a negative result, unless he or she is suspended for any additional purposes concurrently with the waiting of the outcome of his or her results.

An employee whose alcohol or controlled substance confirmatory test produces a positive result shall not be reimbursed any wages lost while assigned as provided in Section XII of the policy.

D. Random

Both SouthWest Transit and Federal Transit Administration believe that random drug and alcohol testing is an essential part of any program seeking to ensure a drug and alcohol-free mass transportation system. All covered employees subject to this policy will therefore be required to submit to random drug and alcohol testing.

SouthWest Transit will conduct random drug and alcohol tests at ~~a rate~~ above the minimum annual percentage rate of covered employees as required by the FTA. The minimum annual percentage rates are located in Appendix J of this policy.

The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as a random number table or a computer-based random number generator matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. The tests will be unannounced and the dates for test will be reasonably spread throughout the course of the year and occur throughout the work shift. All covered employees will have an equal chance of being testing each time selections are made, regardless of the number of his/her previous selections, if any.

Any covered employee notified of his/her selection for random testing will be required to proceed to the test site immediately. If a covered employee is performing a safety-sensitive function at the time of his/her notification of a random test requirement, he/she will be required to cease performing the safety-sensitive function and proceed to the testing site as soon as possible. However, covered employees will only be required to submit to random alcohol tests if they are performing a safety-sensitive function, about to perform a safety-sensitive function, or have just ceased performing a safety-sensitive function.

E. Reasonable Suspicion

Whenever SouthWest Transit has reasonable suspicion to believe that a covered employee has used a prohibited drug or has violated any alcohol prohibition contained in this policy, it will require him/her to submit to a drug and/or alcohol test. However, any such suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. These observations will be made by one supervisor who has received appropriate training in detecting the signs and symptoms of drug and alcohol use and will be documented by that individual in a Supervisor's Report of Reasonable Suspicion. Appendix B.

Any supervisor who makes a determination that reasonable suspicion exists to require a covered employee to submit to an alcohol or drug test will not be permitted to conduct the breath alcohol test on that individual or serve as the drug collection site person for his/her drug test.

A reasonable suspicion alcohol test will only be required if the reasonable suspicion observations are made just before, during or after the period of the workday that the covered employee is required to be in compliance with this policy. SouthWest Transit will therefore only direct a covered employee to undergo reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, is just about to perform safety-sensitive functions, or has just ceased performing safety-sensitive functions.

If any reasonable suspicion alcohol test is not administered within two hours following the reasonable suspicion determination, SouthWest Transit will document the reasons why the test was not promptly administered. If the test is not administered within eight hours following the reasonable suspicion determination, SouthWest Transit will no longer attempt to administer an alcohol test and will document the reasons for its inability to do so.

In any reasonable suspicion testing circumstance, a SouthWest Transit representative will transport the individual to an appropriate collection facility and await the completion of the collection procedure. SouthWest Transit representative will then transport the individual back to SouthWest Transit premises, where a spouse, family member or other individual will be contacted to transport the individual home. In the event no such individual is available; SouthWest Transit will contact a taxi to transport the employee home. If the reasonable suspicion test result is negative, SouthWest Transit will reimburse the employee for the cost of the taxi. If the employee refuses to comply with any of these procedures and attempts to operate his/her own vehicle, SouthWest Transit will take appropriate efforts to discourage him from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the above procedures will be subject to discipline, up to and including discharge.

Notwithstanding the above testing requirements, a covered employee may not report for duty or remain on duty requiring the performance of a safety-sensitive function if that employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. Any such covered employee will not be allowed to perform or continue to perform a safety-sensitive function until the employee undergoes an alcohol test yielding an alcohol concentration level of less than 0.02; or the start of the employee's next regularly scheduled duty period, but not less than eight hours following the reasonable suspicion determination.

SouthWest Transit will not take any disciplinary action against a covered employee based solely upon observations of the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test, unless the employee has refused to submit to a requested test.

An employee who is required to submit to a controlled substance and / or alcohol test of this policy shall not be assigned to operate any SouthWest Transit vehicle and / or perform safety sensitive functions pending the outcome of such test. SouthWest Transit may, at its option, assign such employee to available non-safety sensitive duties or place him / her on temporary suspension.

An employee whose controlled substance and /or alcohol test produces a negative result shall be promptly returned to his or her former work, unless clearly observable symptoms of unfitness for duty persist. If these symptoms are still present, the Agency "Fitness for Duty Policy" will apply. An employee may be reimbursed lost wages on a negative result, unless he or she is suspended for any additional purposes concurrently with the waiting of the outcome of his or her results.

An employee whose alcohol or controlled substance confirmatory test produces a positive result shall not be re-imbursed any wages lost while assigned as provided in Section XII of the policy.

F. Alcohol Concentration $.02 < .04$

If an employee is administered an alcohol test that produces an alcohol concentration of .02 or greater, but less than .04, he/she will not be permitted to perform a safety-sensitive function within eight hours of that test unless he/she is retested and has a test result of less than 0.02.

G. Refusal to Submit

Any covered employee who refuses to submit to an alcohol or drug test will be prohibited from performing or continuing to perform a safety-sensitive function and be subject to discipline as outlined in Section XII of this policy. Conduct qualifying as "Refusals to Submit" are listed in 49 CFR Part 40 as amended. 49 CFR Part 40 is available upon request. See also Sections VI, Part D and Section VIII, Part I of this policy.

H. Dilute Results

1. In the event of a negative dilute test result, SWT will require the employee to immediately provide another specimen. This will be an unobserved collection unless directed by the MRO to be collected under direct observation.
2. If the employee declines to take another test, this is considered refusal to test and is equivalent to a positive test.
3. If a second test is administered and the result of that test is also negative and dilute, SWT will accept the second test result as negative and the result of record.
4. The collection cannot be observed, unless the MRO requests so as a result of the specimen having a creatinine concentration greater than or equal to 2mg/dl but less than or equal to 5 mg/dl.
5. If the result is cancelled/invalid, (with no medical explanation) the employee will need to undergo an immediate observed collection as directed by the MRO.
6. A MRO verified Positive Dilute test result will be treated as a positive drug test result.

V. ALCOHOL TESTING METHODOLOGY [49 CFR Part 40]

A. Testing Personnel

1. The Breath Alcohol Technician

All alcohol testing required under this policy will be carried out by a breath alcohol technician ("BAT") trained to proficiency in the operation of the evidential breath testing device ("EBT") being used by SouthWest Transit for alcohol testing and in the alcohol testing procedures required herein. The BAT will be required to successfully complete a course of instruction that meets the standards of the National Highway Traffic Safety Administration (NHTSA) model course and documents that the BAT has demonstrated competence in the operation of the specific EBT being used by SouthWest Transit or its designated agent.

2. The Screening Test Technician

Anyone qualified to act as a Breath Alcohol Technician may act as a screening technician (STT), provided that he/she has demonstrated proficiency in the operation of the non-evidential screening device to be used by that individual.

Any other individual may act as an STT as long as he or she successfully completes the Department of Transportation model course, or a course of instruction determined by the Department of Transportation's Office of Drug and Alcohol Policy Compliance to be equivalent to it.

3. Other Personnel Law enforcement officers who have been certified by state or local governments to conduct breath alcohol testing will be considered qualified as BATs or STTs under this policy. However, in order for a test conducted by such an officer to be accepted under this policy, that officer must have been certified by a state or local government to use the EBT or non-evidential alcohol screening device that was used for the test.

B. Alcohol Testing Devices

1. Evidential Breath Testing Device for the evidential testing of breath and listed in its "Conforming Products List (CPL) of Evidential Breath Measurement Devices." For confirmatory breath tests, SouthWest Transit or its designated agent will use an EBT that is capable of providing a printed result of each breath test in triplicate (or three consecutive identical copies). This device will be capable of assigning a unique and sequential number to each completed test. The EBT will also be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level and be capable of testing an air blank prior to each collection of breath and performing an external calibration check.

2. Non-Evidential Alcohol Screening Devices

In the event SouthWest Transit elects to use a non-evidential screening device to perform any alcohol screen test required by Department of Transportation alcohol testing regulations, it will only use a non-evidential alcohol screening device included by the National Highway Traffic Safety Administration on its conforming products list for non-evidential screening devices. Non-evidential screening devices will not be used for confirmation alcohol tests, which must be conducted using EBTs as provided in 49 CFR Part 40, Subpart K.

C. Quality Assurance Plan

In order to be used for any alcohol testing under this policy, the EBT and ASD must have a quality assurance plan (QAP) developed by the manufacturer and approved by NHTSA. SouthWest Transit or its designated agent will ensure compliance with the QAP for each EBT and ASD it uses for alcohol testing under this policy.

D. The Alcohol Testing Site

SouthWest Transit will use an alcohol testing site that affords visual and aural privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing test results. The alcohol testing site will be secure and no unauthorized persons will be permitted access to it at any time when testing is being conducted or when the EBT remains unsecured. Alcohol testing will take place at locations designated by SouthWest Transit.

In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) a test may be conducted at a place other than a designated testing facility, but SouthWest Transit or the BAT will ensure that visual and aural privacy will be provided to the greatest extent practicable.

E. The Breath Alcohol Testing Form

SouthWest Transit will use a Breath Alcohol Testing Form prescribed by the Department of Transportation for both EBTs and non-evidential alcohol screening devices.

VI. ALCOHOL TESTING PROCEDURES

A. Screening and Confirmation Testing

All alcohol testing conducted under this policy will be done in accordance with the procedures outlined in 49 CFR Part 40, Subpart L. After providing a photo identification to the BAT or STT, the employee and the BAT/STT will complete the Breath Alcohol Testing Form. Any employee who refuses to sign the acknowledgment of testing in Step 2 of the form will be considered to have refused to test. The employee will follow the BAT/STT's instructions and provide a breath or saliva sample for the initial test. If the result of the test is <0.02 alcohol concentration, the test is considered negative and the process is complete. The BAT/STT and the employee will complete and sign the breath alcohol testing form.

If the initial alcohol test result is 0.02 or greater, a confirmation test, using an EBT capable of printing the test results, will be conducted in accordance with the procedures outlined in 49 CFR Part 40, Subpart M. After a waiting period of at least 15 minutes, during which the employee is observed and requested not to take anything by mouth or to the extent possible, not to belch during the waiting period. (The employee will be asked to provide a breath sample.) The confirmation test will be completed within 30 minutes of the completion of the screening test. The purpose of the waiting period is to ensure that no residual mouth alcohol is present for the confirmation test. If the confirmation test result is >0.02 , the BAT will immediately notify SouthWest Transit representative, and the employee will remain at the testing facility until provided transportation home. The employee and the BAT will complete and sign the breath alcohol testing form and a copy of the form, including the test results, will be provided to the employee.

B. Inability to Provide a Sample

The employee will be asked to submit to a breath alcohol test. If the employee is unable to provide, or alleges he/she is unable to provide a breath sufficient to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to provide an adequate amount of breath. If the employee cannot provide an adequate breath sample, the BAT/STT shall discontinue the testing process, notify SouthWest Transit representative, and the employee shall, as soon as practical, be evaluated by a physician, designated by SouthWest Transit. The physician shall determine if there is a medical condition or diagnosis that prevents the employee from providing an adequate breath sample. If the physician is unable to document a medical condition or diagnosis responsible for the employee's failure to provide an adequate sample, it is considered a refusal to test.

C. Invalid Alcohol Test Results

Alcohol results >0.02 on the confirmation test are deemed invalid if certain critical errors or omissions occur in the testing process. The reasons for invalidation of a test result include: failure of the EBT on the next external calibration check; less than 15 minutes elapsed between screening and confirmation; omission of or failure on an air blank before the confirmation test; failure of the BAT to sign the Breath Alcohol Testing Form; no printed EBT result; or the BAT's failure to note employee's refusal to sign the final certification statement in step 4 of the Breath Alcohol Testing Form; the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result. If an event occurs during the testing process, or an error is discovered, that would invalidate a confirmation test result, the employee shall be subject to repeat the testing process, if practical.

D. Refusal to Test For purposes of alcohol testing, the following are considered refusals to test:
[49 CFR Part 40, Section 40.261]

1. The employee fails to report to the collection / testing site for a required test.
2. The employee fails to remain at the testing site until the testing process is complete.
3. The employee fails to provide an adequate amount of breath for any alcohol test required by this part or DOT agency regulations
4. The employee is unable or unwilling to provide an adequate breath sample and the examining physician does not find a medical condition or diagnosis that prevents the employee from providing the sample.
5. The employee fails to undergo a medical examination or evaluation, as directed by the employer for insufficient breath
6. The employee refuses to sign Step 2 of the Breath Alcohol Testing Form
7. The employee fails to cooperate with the testing process

Any employee who is deemed to have "refused to test" will be immediately removed from performing safety sensitive functions as defined by the FTA rules (49 CFR Part 655). SouthWest Transit will impose disciplinary action as outlined in Section XII of this policy.

VII. CONTROLLED SUBSTANCE TESTING METHODOLOGY [49 CFR Part 40, Subparts F and H]

A. Laboratory Analysis

All urine specimens tested for drugs of abuse under this policy will be analyzed at a laboratory certified by the Department of Health and Human Services (DHHS), Substance Abuse, and Mental Health Services Administration (SAMHSA). The laboratory selected by SouthWest Transit for testing conducted under this policy is listed at Appendix D.

B. Initial Screening

All specimens will be tested for the drug or drug classes listed below using an immunoassay screen approved by the Food and Drug Administration (FDA). The immunoassay screen will use cut-off levels established by the DHHS to eliminate negative specimens from further consideration. Any initially positive test will be subject to confirmation through an additional, more precise testing methodology.

C. Confirmatory Tests

Any urine specimen identified as positive on the initial screen will be confirmed by a second analytical procedure which uses a different chemical technique and procedure. Gas chromatography/mass spectrometry (GC/MS) methodology will be used to conduct the confirmation analysis. GC/MS analysis will use cut-off levels established by the DHHS for confirmation. Any specimen that does not contain drug or drug metabolites above the GC/MS confirmation cut-off levels will be reported by the laboratory as negative.

D. Specimen Adulteration

The laboratory will conduct analyses to determine if the specimen has been adulterated. Adulteration tests include but are not limited to specific gravity, creatinine, and pH. In addition, the laboratory may conduct additional analyses to identify or detect a specific adulterant added to the urine specimen. If the laboratory identifies an adulterant added to the specimen, the laboratory will report the specimen as adulterated, presence of (the substance identified).

E. Laboratory Reporting of Results

The laboratory will report all test results to the Medical Review Officer (MRO). The reporting of test results must be by confidential, secure electronic (not telephone) or hard copy transmission. The laboratory will send to the MRO a copy of the custody and control form bearing the test results. Test results will be reported as negative, positive, and if -positive the name of the drug(s) identified, canceled, unsuitable for testing, test not performed, or specimen adulterated.

The laboratory shall only report quantitative levels of positive results to the MRO upon his/her specific request. Quantitative levels shall only be released to the employer if the employer is involved in an administrative or legal proceeding brought by the employee in challenging a test result. The laboratory will provide a quarterly statistical report to SouthWest Transit or its representative summarizing the testing activity for each quarter.

F. Specimen Retention and Storage.

Negative specimens will be destroyed and discarded by-the laboratory after results are reported to the MRO. Positive specimens will be retained in long-term frozen storage (-20 degrees C or less) for a minimum of one (1) year. Split specimens of positive results will be retained in frozen storage for one (1) year or until, the MRO provides a written request for the split to be transferred to another laboratory for analysis (whichever occurs first).

G. Split Specimen Analysis

When a laboratory receives a split specimen (Bottle B) from the laboratory that conducted the confirmation analysis of Bottle A, the laboratory will conduct the analysis of Bottle B using GC/MS methodology. The specimen will be reported as a reconfirmation of the drug(s) if there is any detectable presence of the drug(s); GC/MS cut off levels do not apply. The results of the split specimen analysis are reported to the MRO. The split specimen will be retained in long-term frozen storage for a minimum of one year by the laboratory that conducted the split specimen analysis. (Or longer if litigation concerning the test is pending.)

VIII. CONTROLLED SUBSTANCES TESTING PROCEDURES

A. Urine Specimen Collection

Any person requested to undergo a drug test will be required to provide a urine sample at a designated collection site. In order to ensure integrity of the specimen collection procedure, a standard Drug Testing Custody and Control Form will be used. This form will be completed by the employee and the specimen collection and will be forwarded along with the urine sample to a designated laboratory. The MRO, employee, collector and SouthWest Transit representative also receive a copy of the Drug Testing Custody and Control Form.

All urine specimens will be collected in a clean, single-use specimen bottle(s) securely wrapped until filled with the specimen. A clean, single-use collection container that is securely wrapped until used may also be provided. The specimen bottle(s) will be labeled and sealed with tamper-evident tape/label by the collector in the employee's presence. The employee will initial the bottle(s) seals.

Any person requested to undergo a drug test will be provided a copy of written specimen collection procedures which must be followed by the individual and the collection site personnel. Appendix C.

B. Specimen Collection Sites

SouthWest Transit will designate specimen collection sites/facilities. The facilities will have the personnel, materials, equipment and supervision necessary to provide collection in accordance with 49 CFR Part 40. The collection sites/facilities listed in Appendix D have been designated for specimen collections conducted -under this policy.

A direct supervisor of an employee will not be permitted to serve as the collection site person for that employee's urine test.

Procedures shall provide for the collection site to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during the drug testing. A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access is not possible.

C. Chain of Custody and Collection Control

The collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled. The chain-of-custody block on the Drug Testing Custody and Control Form shall be executed by authorized personnel upon receipt of the specimen. This form shall be used for maintaining control and accountability of each specimen from the point of collection to shipment/transportation of the specimen.

D. Individual Privacy

Collection procedures shall allow urine specimens to be provided by the individual in private, unless there is reason to believe that the individual may alter or substitute the specimen, as set forth below:

1. The employee has presented a urine specimen that falls outside the normal temperature (32* - 38* C / 90* - 100* F)
2. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
3. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as part of a rehabilitation program, on return to service after any required rehabilitation or under a FTA regulation providing for follow-up testing after return to service.

An employee may also be required to provide a urine specimen under direct observation in the event specimen adulteration is suspected under Section VII.D. and IX.D. of this policy. This observation will be conducted by a person of the same gender.

Additionally, the laboratory will conduct analyses to determine if a urine specimen has been adulterated, tampered with or diluted. Under 49 CFR Part 40, when the MRO gets a report from the laboratory that indicates the creatinine level in a specimen is 2 mg/dl or above but less than or equal to 5 mg/dl, the MRO – in addition reporting the specimen to the employer as dilute, must take an additional step. This step requires the MRO to direct the employer to require the employee to undergo an immediate recollection under direct observation. The employer must then ensure that this recollection takes place. If the creatinine level in a specimen is above 5 mg/dl but less than 20 mg/dl, SWT will require the employee to immediately provide another specimen. This will be an unobserved collection unless directed by the MRO to be conducted under direct observation.

If the sample is being collected from an employee in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen. Specimens will not be collected from deceased or comatose employees.

E. Specimen Integrity and Identity

SouthWest Transit, the employee and the collection site shall take appropriate precautions to preserve the integrity of the urine specimen by ensuring that it is not adulterated or diluted during the collection procedure and that the urine specimen tested is that of the person from whom it was collected. Collection site personnel will be responsible for maintaining the integrity of the specimen collection and transfer process, but employees are expected to cooperate with collection site personnel and to exercise good faith in conjunction with the specimen collection procedures.

F. Split Specimen Procedures

There must be a sufficient volume of each specimen to allow for it to be subdivided, secured and labeled in the presence of the tested individual and retained in a secured manner to prevent the possibility of tampering. This will allow an individual the opportunity to request a retest of the specimen by an appropriate laboratory in accordance with Section VII.G. of this policy.

G. Transportation to Laboratory

Collection site personnel shall arrange to ship the collected specimens to the drug testing laboratory. The specimens shall be placed in a container designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers); and those containers shall be securely sealed to eliminate the possibility of undetected tampering with the specimen and/or form. The collection site person shall ensure that the chain of custody documentation is enclosed in each container sealed for shipment to the drug testing laboratory.

H. Failure to Cooperate

Any employee required to provide a urine sample may be asked to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer. The employee will not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

If the employee refuses to cooperate during the collection process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen), the collection site person will inform SouthWest Transit representative and document the employee's conduct on the Drug Testing Custody and Control Form. Employees are expected to exercise good faith and cooperate during the collection process and failure to do so will subject the employee to discipline, up to and including discharge, independent and regardless of the results of any subsequent drug test.

I. Refusal to Submit [49 CFR Part 40, Section 40.191]

The following behavior also constitutes a refusal to submit to testing:

1. Fails to appear for any test 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 provide a urine specimen for any drug 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 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" 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. For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
11. Admit to the collector or MRO that you adulterated or substituted the specimen.

IX. CONTROLLED SUBSTANCE TEST RESULTS [49 CFR Part 40 Subpart G]

A. Medical Review Officer

All confirmed positive, substitute, adulterated and negative test results will be reported by the laboratory directly to the medical review officer (MRO) prior to any results being released to SouthWest Transit. The MRO will be a licensed physician with knowledge of substance abuse disorders who 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 will review and consider possible alternative medical explanations for the positive test result as well as the chain of custody to ensure that it is complete and sufficient on its face. SouthWest Transit will designate an MRO for its controlled substance testing program. The designated MRO is listed in Appendix D.

B. MRO Duties

The MRO will perform the following functions for SouthWest Transit:

1. Review the results of drug testing before they are reported to SouthWest Transit;
2. Review and interpret each confirmed positive test result to determine if there is an alternative medical explanation for the confirmed positive, substitute, or adulterated test result. The MRO may include these steps:
 - a. Conducting a medical interview with the individual tested;
 - b. Reviewing the individual's medical history, and any relevant biomedical factors;
 - c. Reviewing all medical records made available by the individual tested to determine if a confirmed positive, substitute, or adulterated test resulted from legally purchased medication;
 - d. Requiring, if necessary, that the original specimen be reanalyzed to determine the accuracy of the reported test result; and
 - e. Verifying that the laboratory report and assessment are correct.

If during an invalid result MRO review, an employee admits to adulterating or substituting a specimen this is a refusal to test.

C. Action on Positive Test Results

Prior to making a final decision to verify a positive test result for an individual, the MRO will give the individual an opportunity to discuss the test result. The MRO will therefore contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact and a medically licensed or certified staff person may gather information from the individual. Except as provided below, the MRO will talk directly with the individual before verifying a test as positive.

If, after making and documenting all reasonable efforts to contact the individual, the MRO is unable to reach the individual directly, the MRO will contact a designated SouthWest Transit official who will direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through a SouthWest Transit official, the official will utilize procedures to ensure, to the maximum extent practicable, the requirement that the individual contact the MRO is held in confidence.

If, after making all reasonable efforts, SouthWest Transit is unable to contact the employee, SouthWest Transit will place the employee on temporary medically unqualified status or on a medical leave of absence.

The MRO may verify a test as positive without having communicated directly with an individual about the results in three circumstances:

1. If the individual expressly declines the opportunity to discuss the test;
2. If the designated SouthWest Transit representative has successfully made and documented a contact with the individual and instructed him/her to contact the MRO, and more than 72 hours have passed since the individual was successfully contacted; or
3. If neither the MRO nor employer has successfully contacted the employee after 10 days of reasonable effort.

If a test is verified as positive because of an individual's failure to contact the MRO, the individual will have the opportunity to provide the MRO with evidence documenting that serious illness, injury or other circumstances unavoidably prevented him/her from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification and allow the individual to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO will declare the test to be negative.

In verification of an opiate positive result the MRO may require that the employee submit to a medical examination by a SouthWest Transit-designated physician. The purpose of the examination is to determine if there is clinical evidence of unauthorized use of an opiate substance.

An employee's refusal to undergo the medical examination may result in a positive test determination.

D. MRO Determinations

If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO will report the test as negative.

If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO shall refer the individual tested to SouthWest Transit for further proceedings in accordance with this policy, report the test as positive, and provide the name of drug(s) detected.

If the MRO determines, based upon his/her review of the laboratory inspection reports, quality assurance and quality control data, and other drug test results, that a particular drug test result is scientifically insufficient for further action, the MRO will conclude that the test is canceled.

If the MRO determines that a specimen is unsuitable for testing, the MRO will cancel the test and may inform SouthWest Transit that another specimen should be collected under direct observation. If the MRO receives a laboratory report identifying the specimen as adulterated, the MRO will report the test as adulterated and inform SouthWest Transit that the employee has "refused to test."

The MRO has the ability to determine a medical reason through medical evaluation to rule out signs and symptoms of drug use when a negative result is required and the specimen is invalid.

E. Disclosure of Information

The MRO will not disclose to any third party medical information provided by the individual to the MRO as part of the testing verification process, except as provided below:

Before obtaining medical information from the employee as part of the verification process, the MRO will advise the employee that the information may be disclosed to third parties and of the identity of any parties to whom the information may be disclosed.

F. Split Specimen Procedures

The MRO will notify each employee who has a verified positive test that he/she has 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within 72 hours of such notice, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. The employee will not be allowed to request a reanalysis of the primary specimen. **SouthWest Transit will bill the employee for any split test that is conducted.**

If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or untestable, the MRO will cancel the test and report the cancellation and the reasons for it to the DOT, the employer and the employee. However, because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement, but must provide data sufficient to confirm the presence of the drug or metabolite.

If an employee has not contacted the MRO within 72 hours, the employee may present the MRO with information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation of the employee's failure to contact him/her within 72 hours, the MRO will direct that analysis of the split specimen be performed.

X. CONFIDENTIALITY AND RECORDKEEPING

A. Confidentiality

SouthWest Transit will maintain all records generated under this policy in a secure manner so that disclosure to unauthorized persons does not occur. Thus, the results of any tests administered under this policy and/or any other information generated pursuant to this policy will not be disclosed or released to anyone without the express written consent of the employee, except where otherwise required or authorized by law. In addition, SouthWest Transit's contract with its designated laboratory requires it to maintain all employee test records in confidence.

However, the laboratory or SouthWest Transit may disclose information required to be maintained under this policy to the employee, the employer or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or drug test administered under this policy, or from the employer's determination that the employee engaged in conduct prohibited by this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)

B. Access to Facilities and Records [49 CFR Part 40, Subpart P]

Upon written request by any covered employee, SouthWest Transit will promptly provide copies of any records pertaining to the employee's use of alcohol or drugs, including any records pertaining to his or her alcohol or drug tests. Access to a covered employee's records will not be contingent upon payment for records other than those specifically requested.

SouthWest Transit will also permit access to all facilities utilized and alcohol or drug testing documents generated in complying with the requirements of 49 CFR Part 655 to the Secretary of Transportation, any DOT agency with regulatory authority over the employer or any of its covered employees, or to a State oversight agency. When requested by the National Transportation Safety Board as part of an accident investigation, SouthWest Transit will disclose information related to the employer's administration of a post-accident alcohol and/or drug test administered following the accident under investigation.

Records will also be made available to an identified person or a subsequent employer upon receipt of a written request from an employee, but only as expressly authorized and directed by the terms of the employee's written consent. The subsequent release of such information by the person receiving it will be permitted only in accordance with the terms of the employee's consent.

XI. EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE PROFESSIONAL

A. Employee Education

SouthWest Transit will provide employees subject to this policy with education materials explaining the requirements of the Federal Transit Administration drug and alcohol regulations and SouthWest Transit policies and procedures for meeting them. In addition, employees will be provided with information concerning the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem (the employee's or a co-worker's); and available methods of intervening when an alcohol or drug problem (the employee's or a co-worker's); and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management. This information will include the following:

1. Display and distribution of informational material
2. Display and distribution of a community service hot-line telephone number for employee assistance.

Covered employees will receive at least 60 minutes of training of the effects and consequences of prohibited drug use on personal health, safety and the work environment and on the signs and symptoms which may indicate prohibited drug use.

Copies of the above materials and this policy will be distributed to each covered employee prior to the start of alcohol and drug testing required herein and to each employee subsequently hired or

transferred into a position requiring the performance of a safety-sensitive function covered by this policy. Each employee who receives a copy of these materials will be required to sign a statement certifying that he or she has received a copy of the same. SouthWest Transit will retain the original of the signed certificate and will provide a copy to the employee, if requested. SouthWest Transit will also provide written notice to representatives of employee organizations as to the availability of this information, if applicable.

Any questions about the requirements of this policy should be directed to the program contact individual listed in Appendix D.

B. Supervisory Training

Any individual designated to determine whether reasonable suspicion exists to require a covered employee to undergo a drug or alcohol test under this policy will be required to receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. This training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and prohibited drug use.

C. Referral, Evaluation and Treatment

1. Available Resources

Any employee who engages in conduct prohibited by this policy will be provided with information about the resources available for evaluating and resolving problems associated with the misuse of alcohol or prohibited drug use, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

2. Substance Abuse Evaluation

Although an employee's employment with SouthWest Transit may be terminated for a violation of this policy, employees will be advised to undergo an evaluation by an appropriate substance abuse professional, who will determine what, if any, assistance the employee may need in resolving problems associated with alcohol misuse and/or prohibited drug use. **This requirement will apply regardless of whether** such conduct is discovered as a **result of a positive drug or alcohol test, independent** employer knowledge or a voluntary admission by the employee. The referral, evaluation and rehabilitation requirements outlined above do not apply to applicants who refuse to submit to or test positive in a pre-employment drug test.

3. Substance Abuse Professional (SAP)

For purposes of this policy, a substance abuse professional (SAP) is defined as a licensed physician (M.D. or D.O.), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by NAADAC or ICRQ) who has knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP's role is to evaluate the employee's need for assistance in resolving problems related to alcohol or

drug abuse, determine if the employee has complied with any recommended treatment or rehabilitation, and to determine a program of follow-up testing as appropriate.

D. Voluntary Rehabilitation

An employee who voluntarily (not in response to a SouthWest Transit request to take a controlled substance abuse / alcohol test or the positive result of a controlled substance abuse alcohol test) admits to management that he or she has a controlled substance abuse and/or alcohol abuse problem, and who wishes to submit to a Rehabilitation Program, must sign Appendix G of this policy, and will be subject to the following:

The employee shall be placed on unpaid medical leave until:

- 1. He or she presents evidence of having enrolled in and successfully completed at his or her own expense, a rehabilitation program approved by SouthWest Transit, and;**
- 2. He or she submits to a return to duty controlled substance and alcohol test at his or her own expense which produces a negative result, and;**
- 3. He or she signs SouthWest Transit's Post - Rehabilitation Return to Work agreement which is in Appendix "G" of this policy.**

An employee placed on rehabilitation leave as provided in paragraph (A) of this section must satisfy the provisions of sub-paragraphs 1,2,3 of that paragraph not later than (12) weeks from the commencement of this personal leave. An employee failing to do so shall be deemed to have abandoned his or her job. Any employee who is returned to work as provided in this section of the policy and who fails to comply with any of the terms of the Post - Rehabilitation Return to Work Agreement will be discharged.

XII. DISCIPLINE

In addition to the removal from safety-sensitive functions required by Federal Transit Administration Regulations, SouthWest Transit will take the following disciplinary action against any individual who violates this policy

A. Applicants

An individual who tests positive on a pre-employment or pre-duty test for a prohibited drug will not be hired for a covered function position.

B. Employees

Any employee who tests positive for a prohibited drug or for alcohol with a concentration level of 0.04 or greater will be discharged from employment with SouthWest Transit.

Any employee who engages in any conduct that constitutes a refusal to submit to a drug or alcohol test required under this policy will be discharged from employment with SouthWest Transit.

Any employee whose alcohol test result is 0.02-0.039 alcohol concentration will be removed from duty for at least 24 hours or until his/her next regularly scheduled shift, whichever is longer. All time suspended will be without pay. Any employee who tests 0.02-0.039 alcohol concentration on more than one occasion will be discharged from employment with SouthWest Transit.

XIII. RECORDKEEPING AND REPORTING

A. Retention of Records

SouthWest Transit will maintain records relating to this policy as outlined in 49 CFR Part 655. These records will be maintained in a secure location with controlled access for the specified periods of time, measured from the date of the document's or data's creation.

NOTIFICATION OF TESTING

Employee: _____

Date: _____

SouthWest Transit is committed to the goal of obtaining a drug and alcohol-free mass transportation system. Consistent with this goal and in accordance with Federal Transit Administration Regulations, YOU ARE BEING REQUESTED TO SUBMIT TO TESTING AS FOLLOWS:

Type of Test:	_____ Alcohol	_____ Drug
Testing Circumstance:	_____ Pre-employment	_____ Reasonable Suspicion
	_____ Post-accident	_____ Random
	_____ Return-to-duty	_____ Follow-up

THIS TESTING IS REQUIRED BY FEDERAL TRANSIT ADMINISTRATION REGULATIONS [49 CFR PART 655]. A VERIFIED POSITIVE RESULT IN AND/OR THE FAILURE OR REFUSAL TO SUBMIT TO THIS TEST WILL DISQUALIFY YOU FROM THE PERFORMANCE OF SAFETY-SENSITIVE FUNCTIONS FOR SOUTHWEST TRANSIT AND MAY SUBJECT YOU TO SUCH OTHER ACTION AS OUTLINED BY SOUTHWEST TRANSIT POLICY.

Signed: _____
Employee

Date: _____

Time: _____

SUPERVISOR'S REPORT OF REASONABLE SUSPICION

Employee: _____ Date: _____
Location: _____ Time: _____

OBSERVATIONS

Breath (Odor of Alcoholic Beverage):	<input type="checkbox"/> Strong	<input type="checkbox"/> Faint	<input type="checkbox"/> Moderate	<input type="checkbox"/> None
Eyes	<input type="checkbox"/> Bloodshot <input type="checkbox"/> Heavy Eyelids	<input type="checkbox"/> Glassy <input type="checkbox"/> Fixed Pupiles	<input type="checkbox"/> Normal <input type="checkbox"/> Dilated Pupils	<input type="checkbox"/> Watery <input type="checkbox"/> Normal <input type="checkbox"/> Clear
Speech	<input type="checkbox"/> Confused <input type="checkbox"/> Fair <input type="checkbox"/> Cotton mouthed	<input type="checkbox"/> Stuttered <input type="checkbox"/> Slurred <input type="checkbox"/> Other	<input type="checkbox"/> Thick-Tongued <input type="checkbox"/> Mush Mouthed	<input type="checkbox"/> Accent <input type="checkbox"/> Good <input type="checkbox"/> Mumbled <input type="checkbox"/> Not Understandable
Attitude	<input type="checkbox"/> Excited <input type="checkbox"/> Insulting <input type="checkbox"/> Profane	<input type="checkbox"/> Combative <input type="checkbox"/> Care-Free <input type="checkbox"/> Polite	<input type="checkbox"/> Hilarious <input type="checkbox"/> Cocky <input type="checkbox"/> Other	<input type="checkbox"/> Indifferent <input type="checkbox"/> Sleepy <input type="checkbox"/> Talkative <input type="checkbox"/> Cooperative
Unusual Action	<input type="checkbox"/> Hiccoughing <input type="checkbox"/> Laughing	<input type="checkbox"/> Belching <input type="checkbox"/> Other	<input type="checkbox"/> Vomiting	<input type="checkbox"/> Fighting <input type="checkbox"/> Crying
Balance	<input type="checkbox"/> Needs Support	<input type="checkbox"/> Falling	<input type="checkbox"/> Wobbling	<input type="checkbox"/> Swaying <input type="checkbox"/> Other
Walking	<input type="checkbox"/> Falling	<input type="checkbox"/> Staggering	<input type="checkbox"/> Stumbling	<input type="checkbox"/> Swaying <input type="checkbox"/> Other
Turning	<input type="checkbox"/> Falling <input type="checkbox"/> Other	<input type="checkbox"/> Staggering	<input type="checkbox"/> Stumbling	<input type="checkbox"/> Swaying <input type="checkbox"/> Hesitant

Indicate any other unusual actions, statements or observations: _____

Signs of complaints of illness or injury: _____

Safety-sensitive function: Yes No. Describe: _____

SUPERVISOR'S OPINION

Apparent effects of alcohol/drug use: None Slight Obvious Extreme

Additional Comments _____

Supervisor: _____
Signature: _____
Date: _____
Time: _____

DOT URINE SPECIMEN COLLECTION PROCEDURES

1. The collector will ask the donor for photo identification.
2. After verification of the donor's identification, the collector will complete Step I of the Custody and Control Form (CCF).
3. The collector will ask the donor to remove any unnecessary outer clothing (coat, jacket, hat, etc.) and to leave hand carried items(i.e. briefcase, pocketbook, bags, etc.) outside the toilet enclosure. The collector will secure these items and provide a receipt if requested by the donor. The donor will be required to demonstrate that no liquids or contaminants are included in the contents of his/her pockets.
4. The collector will instruct the donor to wash and dry his/her hands.
5. The collector will provide the donor a wrapped/sealed collection container and/or specimen bottle(s). Either the collector or the donor may open the container/bottle(s) in the donor's presence.
6. If the container and the bottle(s) are wrapped together, the donor should be allowed to take the container and the bottle(s) into the toilet enclosure. If the container and the bottle(s) are wrapped separately, only the collection container should be taken into the toilet enclosure. The wrapped bottle(s) should remain outside the enclosure and be opened in the donor's presence when the donor presents the filled collection container to the collector.
7. The collector will accompany the donor to the toilet enclosure where the donor will provide the urine specimen. The donor will enter the toilet enclosure and shut the door; the collector remains outside the closed door.
8. The donor will hand the filled collection container to the collector. Both the donor and the collector should maintain visual contact of the specimen until the labels/seals are placed over the bottle cap(s).
9. The collector checks the specimen, reading the specimen temperature indicator within 4 minutes of receiving the specimen from the donor. The collector marks the appropriate box in Step 2 of the CCF.
10. The collector checks the specimen volume, ensuring that there is at least 45 ml of urine if it is a split specimen collection procedure, and 30 ml of urine if it is a single specimen collection procedure.

NOTE: If the employee is unable to void or voids an insufficient amount of urine, the employee will be provided up to 40 ml of fluids and up to three hours to provide the specimen. Any partial specimen will be discarded.

11. The collector checks the specimen for unusual color, odor, or other physical qualities that may indicate an attempt to adulterate the specimen.
12. The collector will pour at least 30 ml of specimen into a specimen bottle (designated Bottle A, if it is a split specimen collection procedure). The remainder of the specimen (at least 15 ml) will be poured into a second bottle (designated Bottle B). If it is a single specimen collection, the collector will pour at least 30 ml of specimen into the bottle.
13. The collector immediately places the lid/cap(s) on the specimen bottle(s), and then applies tamper-evident label/seals (CCF, Step 3).
14. The collector will write the date on the label/seal(s). The donor will be asked to initial the label/seal(s) once they are affixed to the bottle(s).
15. After sealing the specimen bottle(s), the donor will be permitted to wash and dry his/her hands, if he/she so desires.
16. The donor will be instructed to read and complete the donor certification section of the CCF (Step 4), including signing the certification statement.
17. The collector will complete the collector certification section of the CCF (Step 5), including signing the certification statement and recording the date and time of the collection.
18. The collector will record any remarks concerning the collection process in the "remarks" section of the CCF.
19. The collector will complete the chain of custody block in Step 6 of the CCF. At a minimum the collector will complete the specimen received by, purpose of change, date, and released by blocks of the chain of custody.
20. The collector will give the donor his/her copy of the CCF (copy 5). The donor may leave the collection site at the completion of this step of the collection process. It is not necessary for the donor to remain at the collection site while the specimen bottle(s) and CCF are being prepared and packaged for shipment.
21. The collector will prepare the bottle(s) and copies 1, 2, and 3 of the CCF for shipment to the laboratory. If it was a split specimen collection, both bottles and accompanying copies of the CCF will be shipped together to the laboratory. The bottle(s) and CCF copies will be shipped in a padded mailer or shipping container, secured with an outer seal . The collector will initial and date the seal on the shipping container.
22. The collector will send the MRO copy of the form directly to the MRO address on the form, and the employer copy to the designated employer representative.

**SOUTHWEST TRANSIT DESIGNATED SERVICE PROVIDERS
FOR DRUG AND ALCOHOL TESTING
CONDUCTED UNDER THE TERMS OF THIS POLICY**

1. SouthWest Transit Drug and Alcohol Testing Program Contact and Employee Representative

For all questions concerning SouthWest Transit policy or implementation of SouthWest Transit drug and alcohol testing program, employees should contact the individual(s) named below:

Name: ~~Mel Rozeboom~~ Adam Hegeholz
Title: ~~Payroll & Human Resources~~ Human Resources & Admin Specialist
~~SouthWest Transit~~ Manager
Address: ~~13500 Technology Drive~~ 13500-14405 West 62nd St
~~Eden Prairie, MN 55344~~ Technology Drive
Eden Prairie, MN 55346
Phone: ~~952-974-3128~~ 952-974-3109

2. Drug Testing Laboratory

The following DHHS-certified laboratory has been designated by SouthWest Transit to conduct the analysis of all urine specimens tested under the terms of this policy.

Name:	Quest Diagnostics Inc	Post Accident or Reasonable Suspicion Medtox Laboratories Inc
Address:	10101 Renner Blvd Lenexa, KS 67601	402 County Road D W St. Paul, MN 55112
Phone:		651-636-7466

3. Medical Review Officer

The following physician(s) has been designated by SouthWest Transit to perform Medical Review Officer functions for all drug tests conducted under the terms of this policy.

Name:	Dr. John Tetrick	Dr. Thomas Jetzer
Address:	Nationwide Medical Review 7160 Graham Road Indianapolis, IN 46250	Occupation Medical Consultants 6515 Barrie Rd. Suite 150 Edina, Mn. 55435
Phone:		952-924-1640, (fax 952-924-1659)

4. Substance Abuse Professional

Substance Abuse Professional (SAP) services, including information, referral, assessment, and evaluation, are available from the following SouthWest Transit-designated individuals and/or organizations:

Contact: Gerald G. Peters
Name: J. Peters & Associates, Inc.
Address: 570 Asbury Street, Suite 300
Saint Paul, Mn. 55104-1849
Phone: 651-645-7558 or 1-888-645-5311

APPROVED SPECIMEN COLLECTION AND BREATH ALCOHOL TESTING SITES

The facilities listed below are all authorized to conduct urine specimen collection for this location, in accordance with 49 CFR Part 40 for the purpose of any controlled substance test required by SouthWest Transit:

Name: ARCpoint Labs
Address: 6554 Edenvale Blvd
Eden Prairie, MN 55346
Phone: 952-426-4468 FAX
Hours: 8:00 AM – 4:30 PM, Monday-Friday

After Hours:

Minnesota Occupational Health
Dispatch Center Phone: 651-968-5161
Back-up numbers 612-508-1049
612-759-5149

**CERTIFICATION OF COMPLETION OF DRUG AND ALCOHOL
AWARENESS PROGRAM**

EFFECTIVE January, 2018

I, _____ hereby certify that I have completed the
(Employee)

SouthWest Transit Drug and Alcohol Awareness Program and that I am familiar with all of the information discussed during the program. I further acknowledge that I have been provided with copies of SouthWest Transit Drug and Alcohol Abuse Policy and a list of resources available for dealing with problems concerning drug and alcohol abuse.

Date: _____

Employee: _____

STATEMENT OF SUBSTANCE ABUSE POLICY DEVELOPMENT

SouthWest Transit Commission developed its Drug and Alcohol Testing Policy Program in January 2000. Prior to 2000 drug and alcohol testing was the responsibility of the Contractor, Laidlaw Transit Services, Inc. The SouthWest Transit Commission at their meeting on January 27, 2000 adopted this policy.

The SouthWest Transit Commission at their meeting on September 27, 2001 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on December 13, 2001 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on June 23, 2005 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on January 30th, 2007 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on August 28, 2008 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on October 8, 2009 revised and adopted this policy.

Administratively Updated July 8, 2013

The SouthWest Transit Commission at their meeting on May 22, 2104 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on January 11, 2018 revised and adopted this policy.

The SouthWest Transit Commission at their meeting on February 28, 2019 revised and adopted this policy.

POST REHABILITATION RETURN TO WORK AGREEMENT

- A. I understand that my previous job performance warrants close supervision for an extended period of time upon my return to work and I will accept such supervision as a constructive part of my recovery.
- B. I understand that upon my return to work, I must meet all established standards of conduct and job performance and that I will be subject to SouthWest Transit disciplinary procedures for any failure to meet those standards.
- C. For a period of one (1) calendar year after the date of reinstatement to my position, I will be subject to random controlled substance abuse and alcohol test at the sole discretion of SouthWest Transit. SouthWest Transit shall pay the cost of such tests as well as all time spent by me in submitting to such examinations.
- D. I agree that I shall cooperate fully with any and all SouthWest Transit requests to submit to any random controlled substance and alcohol tests. I further acknowledge and understand that if I fail to cooperate fully or to submit to such controlled substance or alcohol tests when requested, such failure will be cause for immediate discharge from employment with SouthWest Transit.
- E. In the event that any of my controlled substance or alcohol tests indicate a positive reading which discloses that I have used any of the prohibited substances or alcohol, identified in Section II, Scope of the Policy, Part C and Part D, that I will be immediately discharged from employment with SouthWest Transit.
- F. I understand that I will be subject to stated rules and conditions for twelve (12) calendar months.

I understand and agree that my leave of absence, reinstatement, and continued employment are contingent upon my satisfying all of the above rules and conditions of employment and that my failure to do so subjects me to immediate discharge from employment with SouthWest Transit.

Signature: _____ Date: _____

Administrative Services Director: _____

SAFETY-SENSITIVE JOB FUNCTION DESCRIPTIONS

The following positions have been designated as Safety - Sensitive functions and shall be subject to testing under the requirements of the policy.

All Drivers of SouthWest Transit Revenue Service Vehicles - Those employees who operate a revenue vehicle when required to be operated by a holder of a CDL. They may operate a non - revenue vehicle when required to be operated by a holder of a CDL.

Vehicle Maintenance Workers - Those employees that maintain a revenue vehicle or equipment used in revenue service.

Dispatch Workers: Those employees who control the movement of a revenue vehicle through radio communication.

Employees Holding a CDL - Any employee who holds a CDL license and are subject to revenue vehicle operation, may operate a non - revenue vehicle when required to be operated by a holder of a CDL, and / or perform vehicle maintenance on equipment used in revenue service.

CUT OFF LEVELS/INITIAL TESTING

1. The initial test shall use an immunoassay which meets the requirements of DOT Rule 49 CFR Part 40 Section 40.87 | Department of Transportation. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these drugs or classes of drugs:

<u>Types</u>	<u>Initial Test Cutoff Levels (ng/ml)</u>
Marijuana Metabolites	50
Cocaine Metabolites	300
Codeine/Morphine	2000
Hydrocodone/Hydromorphone	300
Oxycodone/Oxymorphone	100
6-Acetylmorphine	10
Phencyclidine	25
Amphetamine/Methamphetamine	500
MDMA ¹ /MDA ²	500

¹Methylenedioxyamphetamine

²Methylenedioxyamphetamine

A. These cutoff levels are subject to change by the Department of Transportation as advances in technology or other considerations warrant identification of these substances at other concentrations.

Confirmatory Test

1. All specimens identified as positive on the initial test shall be confirmed using gas chromatography / mass spectrometry (GCMS) techniques at the cutoff levels listed in this paragraph for each drug. All Confirmations shall be by quantitative analysis. On a confirmation drug test, the lab will report a result below the cutoff concentration as negative and a result at or above the cutoff concentration as confirmed positive. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value".

<u>Types</u>	<u>Confirmation Test Cutoff Levels (ng/ml)</u>
Marijuana Metabolites	15*
Cocaine Metabolites	100**
Codeine	2000
Morphine	2000
Hydrocodone	100
Hydromorphone	100
Oxycodone	100
Oxymorphone	100
6-Acetylmorphine	10
Phencyclidine	25

Amphetamine	250
Methamphetamine	250
MDMA	250
MDA	250

- * Δ -9- Tetrahydrocannabinol -9- carboxylicacid (THCA)
- ** Benzoylecgonine

[65 FR 79526, Dec 19, 2000, as amended at 75 FR 49862, August 16, 2010; 77 FR 26473, May 4, 2012; 82 FR 52244, November 13, 2107]

MINIMUM ANNUAL PERCENTAGES FOR RANDOM DRUG AND ALCOHOL TESTING

The annual random testing rates for drugs and alcohol are determined separately based on the industry wide positive rate for the preceding two-consecutive year period, based on annual MIS reports submitted by covered employers. Rates for future years will be announced each year with the rates dependent on industry - wide experience rates. If changes occur, they will be noted in this section.

Drugs

~~The annual minimum percentage of covered employees that need to be tested on an annual basis is 25%.~~

The annual percentage rates for random drug testing of covered employees for the calendar year 2020 is 50%

Alcohol

~~The annual minimum percentage of covered employees that need to be tested on an annual basis is 10%.~~

~~(The 10% annual percentage of covered employees that need to be tested is a change and a reduction from 25%. The change occurred on 1/6/1998, Federal Register Vol.63, No3., page 418 & 419.)~~

Updated Testing Rate Notice

~~Effective, January 9th, 2007, updated by Notice on Federal Register Volume 72, No. 5, Pages 1057 and 1058, the minimum testing rates have been revised as shown below:~~

Drugs

~~The annual minimum percentage of covered employees that need to be tested on an annual basis is 25%.~~

Alcohol

~~The annual minimum percentage of covered employees that need to be tested on an annual basis is 10%.~~

The Annual Percentage rates for random alcohol testing of covered employees for the calendar year 2020 is 10%

SUBSTANCE ABUSE TESTING LOG - INSTRUCTIONS FOR USE

1. Every test that is conducted must be recorded.
2. No blanks should be left on the form.
3. This form should never be destroyed.

Steps:

- Enter the employee name and social security number.
- Enter date that test occurs. Use the 00/00/00 format.
- Enter the type of test using the legend printed at the bottom of the form.
- Enter the category of testing using the legend printed at the bottom of the form.
- Enter the time notified and sent for testing using the time printed on Appendix A, of the SouthWest Transit Substance Abuse policy. A copy of the employee signed Appendix A should be kept in the employee drug and alcohol file.
- Enter the time that the employee arrives at the collection site for their appointment.
- The date you receive results from Corporate regarding a test that was administered.

This log should be kept confidential and controlled by the local Drug and Alcohol Program Manager.

SouthWest Transit
Post - Accident Substance Abuse Testing Decision Maker

Any safety sensitive employee operating a transit vehicle at the time of an accident will be required to submit to tests for alcohol and prohibited drugs as soon as practicable following the accident. SouthWest Transit will also test any other employee whose performance could have contributed to the accident, as determined by SouthWest Transit using the best information available at the time of the decision.

Appendix M

Accident Information

Date of Accident: _____ Time of Accident: _____

Operator's Name: _____

Decision Questions

Was there a fatality? Yes - No - If Yes - Post Accident Testing Required.

If the accident was non - fatal, and involved a transit vehicle (bus, van, automobile, trolley bus) ask the following questions:

1. Has any individual suffered a bodily injury and immediately received medical treatment away from the scene of the accident?
Yes _____ No _____

2. Was there disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle?
Yes _____ No _____

If yes is checked for questions 1 or 2, a Post Accident test is required unless you determine, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. (Please Note on reverse side reasons for not testing)

In the event an alcohol test is not administered within two hours following and accident, prepare and maintain 2 record on the reverse side of this form, stating the reasons why the test was not promptly administered. If an alcohol test is not administered within eight hours following an accident, SouthWest Transit will make no further effort to administer an alcohol test and document the reasons why the test W2s not administer within eight hours. In the event a drug test is not administered within 32 hours following an accident, do not continue to administer the drug test.

If an employee is required to submit to a substance abuse test, they shall not be assigned to operate any SouthWest Transit vehicle or **perform any safety sensitive functions pending** the outcome of the test.

On - Scene Decision Maker Signature: _____ Date: _____

Reason Test Was Not Completed?

REQUEST FOR INFORMATION FORM

Instructions for Use:

Appendix M - Request for Information for must be used when you hire a new employee that had been employed in the previous 2 years with a DOT covered employer This request is in accordance with 49CFR Part 40.25.

The candidate must sign this form and it should be sent to the previous employer. When you receive the completed form, please file it in the employee drug and alcohol file. If you receive a form similar in nature to this one from a former employee, you must comply with the request and send out the information. A copy of the request should be put in the terminated employee drug and alcohol file.

SOUTHWEST TRANSIT

**Request / Consent form for information from previous employer(s)
Alcohol & controlled substances testing records**

Section 1: To be completed by prospective employee

I understand that in accordance with Federal Regulations 49 CFR Part 40, 655 and the Drug-Free workplace Act, SouthWest Transit Commission will be requesting information from my previous employer(s) concerning my drug and alcohol testing. I authorize any SouthWest Transit contacted by this employer to release and forward my Alcohol and Controlled Substance Testing/Training record.

Print Name _____ Social Security # _____

Previous Employer _____

Street Address _____ City _____ State _____ Zip _____

Signature _____ Date _____

Section 2: To be completed by Previous Employer

1. Has this person ever tested positive for a controlled substance in the last two years?

Yes _____ No _____

2. Has this person ever had an alcohol test with a Breath Alcohol Concentration of 0.04 or greater?

Yes _____ No _____ (California 0.01)

3. Has this person ever refused a required test for drugs or alcohol in the last two years?

Yes _____ No _____

If YES, to any of the above questions, please give SAP's (Substance Abuse Professional) name, address and phone number for further reference:

Name: _____ Phone: _____

Address: _____

INFORMATION PROVIDED BY:

Completed By: _____ Title: _____

Phone #: _____ Date: _____

SOUTHWEST TRANSIT

MEMORANDUM

TO: Selected Medical Provider
FROM: SouthWest Transit
DATE: 7/1/2013

SUBJECT: Prescriptions and OTC Medications

Your patient, and our employee, is in a position classified by the Federal Transit Administration as SAFETY SENSITIVE. As such, the safety and welfare of other people, (3,000 daily passengers, other motorists, pedestrians, etc.) relies in some measure on our employee being fit for duty.

Since many OTC and prescription drugs indicate potential drowsiness, excitability, or other symptoms that may impair one's ability to operate heavy machinery, your role in prescribing medical treatment is closely linked with our commitment to ensure fitness for safety sensitive duty. This is further compounded by drug interaction possibilities with OTC remedies and the potential for abuse by the "overachievers" among us who feel that if one works...two work better.

We respectfully urge you, in the best interests of your patient and our employee, to discuss the safety sensitive aspect of their work and how this may be affected by their medications, and to strive to find substitutes or alternative medications or treatments that would be just as effective without compromising their fitness for duty.

Each decision you make during the day is for the welfare of your patients; our decisions are for the welfare of our employees, passengers and those with whom we share the roadways. We thought you, and other physicians in your clinic, ought to know that others depend on this employee and this patient for their safety. Your assistance in noting this and including this in your records would be greatly appreciated in this matter.

Thank You,

SouthWest Transit
13500 Technology Drive.
Eden Prairie, Mn. 55344
952-974-3128
Fax 952-294-3262

Employee Acknowledgement: _____

Physician Acknowledgement: _____