



Greater Cleveland
Regional Transit Authority

1240 West 6th Street
Cleveland, Ohio 44113-1302
Phone: 216-566-5100
riderta.com

MEETING NOTICE

Notice is hereby given that the following meeting of the Board of Trustees of the Greater Cleveland Regional Transit Authority will take place on **Tuesday, June 29, 2021** in the Board Room of the Authority, 1240 West Sixth Street, Cleveland, OH 44113 for consideration of the listed items and such other items that may properly come before the Board and be acted upon.

In accordance with Sub. H.B. 404 of the 133rd General Assembly, passed on November 19, 2020, signed by the Governor of the State of Ohio on November 22, 2020 and the March 9, 2020 order of the Governor of the State of Ohio declaring a public health emergency, this meeting will be live-streamed on RTA's Facebook page (www.facebook.com/rideRTA) for staff and members of the public. **Only Board members and required RTA staff will be allowed in the Board Room.** The meeting package will be posted on RTA's website at (www.riderta.com/board), on RTA's Facebook page, and RTA's Twitter page.

- 9:00 A.M. Audit, Safety Compliance And Real Estate Committee
- Executive Session Requested - to discuss the results of the 2020 Audit by the Auditor of the State.

Board of Trustees – agenda attached.

A handwritten signature in black ink, appearing to read 'Floun'say R. Caver, Ph.D.', written in a cursive style.

Floun'say R. Caver, Ph.D.
Acting General Manager, Chief Executive Officer

FRC:tab
Attachment

AGENDA

RTA AUDIT, SAFETY COMPLIANCE AND REAL ESTATE COMMITTEE

Tuesday, June 29, 2021

Committee Members: Ms. Karen Gabriel Moss - Chair
Mr. Terence P. Joyce
Mayor Paul A. Koomar
Ms. Valarie J. McCall
Mayor David E. Weiss

- I. Roll Call
- II. Executive Session Requested - to discuss the results of the 2020 Audit by the Auditor of the State.
- III. Adjourn

AGENDA

RTA Board of Trustees Meeting

Tuesday, June 29, 2021

9:00 a.m.

- I. Call to order
- II. Roll Call
- III. Certification regarding notice of meeting
- IV. Approval of the May 25, 2021 Board Meeting minutes
- V. Public comments (**2 minutes**) on **agenda items** can be phoned in using the dial in information or submitted via form at www.riderta.com/events by selecting the meeting date:

Phone: 440-276-4600
- VI. Board Governance Committee report
- VII. Operational Planning & Infrastructure Committee report
 - Chair: Mr. Terence P. Joyce
- VIII. Organizational, Services & Performance Monitoring Committee report
 - Chair: Mayor Michael P. Byrne
- IX. Audit, Safety Compliance and Real Estate Committee report
 - Chair: Karen Gabriel Moss
- X. External and Stakeholder Relations and Advocacy Committee report
 - Chair: Valarie J. McCall
- XI. Community Advisory Committee (CAC)
 - Board Liaison: Roberta Duarte
- XII. Ad Hoc Committee reports
 - Ad Hoc Paratransit Committee – President Charles P. Lucas, Chair
 - Ad Hoc Technology Committee – Luz Pellot, Chair
- XIII. Introduction of new employees and announcement of promotions
- XIV. Introduction of resolutions:
 - A. 2021-58 – Authorizing an increase to Contract No. 2019-148 with Lytx, Inc. to provide 4G Driver Behavior Performance Monitoring System Equipment and Related Services for Bus and Paratransit Vehicles in an amount NTE

\$211,000.00, for a new total contract amount NTE \$1,213,936.00 (General Fund, Fleet Management Department budget)

- B. 2021-59 – Authorizing Contract No. 2021-029 with Advanced Rail Management Corporation for Rail Grinding Program Management Engineering Services for a total contract amount not to exceed \$476,369.80 (RTA Development Fund, Engineering & Project Development Department budget)
- C. 2021-60 – Authorizing Contract No. 2021-056 with KS Associates, Inc. for Project 19.07 – On-Call Surveying Services – Phase 6 in an amount not to exceed \$250,000.00 for a period of 36 months (RTA Development Fund, Engineering & Project Development Department budget)
- D. 2021-61 – Authorizing Contract No. 2021-066 with Valvoline, Inc. for the furnishing of engine oil, as specified and as required, for a period of one year in an amount not to exceed \$243,150.00 (General Fund, Fleet Management Department budget)
- E. 2021-62 – Authorizing Contract No. 2021-077 with Trapeze Software Group, Inc. to provide Paratransit Software Support Services for a period of four years in an amount not to exceed \$1,790,460.00 (General Fund, Innovation and Technology Department budget)
- F. 2021-63 – Authorizing Contract No. 2021-078 with Ultramain Systems, Inc. to provide Ultramain Software Hosting Services for a period of three years in an amount not to exceed \$416,130.00 (General Fund, Intelligent Transportation Systems Department budget)
- G. 2021-64 – Amending appropriations for the current expenses and other expenditures for the Greater Cleveland Regional Transit Authority, as adopted in Resolution No. 2020-101 and 2021-019 and increasing the appropriation to the General Fund by \$62,000,000
- H. 2021-65 – Resolution authorizing the Greater Cleveland Regional Transit Authority to provide for the (i) defeasance of certain outstanding sales tax supported bonds including (a) sales tax supported capital improvement and refunding bonds, series 2012, (b) sales tax supported capital improvement and refunding bonds, series 2015, (c) sales tax supported capital improvement refunding bonds, series 2016, and (d) sales tax supported capital improvement bonds, series 2019, for a total aggregate principal amount of the prior bonds being defeased not to exceed \$50,000,000, and with the escrow requirements, not to exceed a total aggregate amount of \$62,000,000 and; (ii) authorizing an escrow trust agreement with the bank of New York Mellon Trust Company, N.A.; and (iii) other matters related to such defeasance of the prior bonds as defined below
- I. 2021-66 – Authorizing the filing of grant applications with the State of Ohio for State Fiscal Year 2022 financial assistance under all State of Ohio programs

- J. 2021-67 – Removing Sections 648.02 and 648.03 from the Codified Rules and Regulations (“Code”) of the Greater Cleveland Regional Transit Authority, moving Chapters 626 and 627 of the Code to the Personnel Policies and amending Section 600.03 of the Personnel Policies to include Chapters 626 and 627 from the Code
 - K. 2021-68 – Amending Chapter 480 of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority
- XV. Secretary-Treasurer’s Report:
- A. General Fund Revenue – status as of May 31, 2021 versus 2020 actuals
 - B. General Fund Revenue – status as of May 31, 2021 versus the 2021 budget
 - C. Sales & Use Tax Receipts Report budgeted during 2021, actual receipts through June 2021
 - D. Inventory of Treasury Investments as of May 31, 2021
 - E. Debt Service Schedule and Status of Bond Retirement Fund (cash basis) as of May 31, 2021
 - F. Summary of Investment Performance, Year to Date through May 31, 2021
 - G. Report on Investment Earnings (cash basis) as of May, 2021
 - H. Composition of Investment Portfolio as of May 31, 2021
 - I. Banking and Financial Relationships as of May 31, 2021
- XVI. Acting General Manager’s Report
- XVII. President’s Report
- XVIII. Old Business
- XIX. New Business
- XX. Public comments (**2 minutes**) on **non-agenda items** can be phoned in using the dial in information or submitted via form at www.riderta.com/events by selecting the meeting date:
- Phone: 440-276-4600
- XXI. The next regular Board meeting is scheduled for **Tuesday, July 27, 2021** in the Board Room of the Authority, Root-McBride Building, 1240 West Sixth Street, Cleveland, Ohio 44113. This meeting will be live-streamed on RTA’s Facebook page (www.facebook.com/rideRTA) for staff and members of the public. Only Board members and required RTA staff will be allowed in the Board Room.
- XXII. Adjournment

Minutes

RTA Board of Trustees Meeting

9:17 a.m., May 25, 2021

Present: Lucas (Chair), Moss (Vice Chair), Byrne, Duarte, Joyce, Koomar, McCall, Pellot, Serrano, Weiss

Not present: None

Also Present: Benford, Burney, Catalusci, Caver, Coffey, Dangelo, Davidson, Fields, Freilich, Garofoli, Gautam, Johnson, Jones, Kirkland, Laule, Miller, Penning, Petit, Rusnov, Schipper, Sutula, Talley, Walker-Minor

President Lucas took his oath of office to renew his three-year term on the Board. He thanked the Board Executive Assistant for her work with the Board.

President Lucas called the meeting to order at 9:17 a.m. The secretary called the roll and reported that ten (10) board members were present. This meeting was conducted by teleconference for members of the Board in accordance with Sub. H.B. 404 of the 133rd General Assembly, passed on November 19, 2020, signed by the Governor of the State of Ohio on November 22, 2020 and the March 9, 2020 order of the Governor of the State of Ohio declaring a public health emergency, this meeting was live-streamed on RTA's Facebook page (www.facebook.com/rideRTA) for staff and members of the public.

The Secretary advised that notice of this meeting have been posted more than twenty-four hours in advance of the meeting, that the usual notification has been given the news media and other interested persons, and that all requirements of the Ohio Revised Code and Rules and Bylaws of this Board regarding notice of meeting have been complied with.

Minutes

Rev. Lucas stated that the minutes from the April 20, 2021 Board meeting had been previously distributed and reviewed, and asked whether there were any additions and/or corrections. There were no corrections. The minutes were approved.

Public Comments – Agenda Items (comments were submitted by form and phone)

1. Rev. Pam Pinkney – Cleveland, OH – She congratulated former City Councilwoman Cleveland for her support of public transportation. The mobile ticketing needs to be transferable to an alternate phone number along with more pass options. She is in support of the rehabilitation projects. She wants to see our stations opened back up. We are losing money. Zadar Tech camera information must be made available to the public. Who is Kronos Inc. and what is their purpose? How will they help the east side and the poor people? She supports Paratransit coaches and having more of them. Some of the drivers need the smaller vehicles also. She is in opposition to Police Canine Vehicles because of its negative impact. Who and what is the Capital Improvement Fund Budget helping? The east side and poor do not benefit from it. What does other expenditures mean and for who? For what and who are the Purchasing cards for? Reso No. 2021-57 is Non-Binding for whose benefit? She asked for clarity on the CARES Act funding and the nepotism policy.
2. Paula Rigo – North Olmsted, OH - I'm asking that the North Olmsted Park and Ride bus (263) not be eliminated. Soon we will be going back in to work and will require RTA bus service.
3. Dennis Hancy – North Olmsted - I am concerned about the demise of the 263 Park N Ride route from North Olmsted. When I started riding public transportation 30 years ago, we only had the #75 to take us downtown. It was a long slow commute as we traveled on city streets to get to work. When the 263 was introduced, that was a welcome change. Given that we traveled only on the highways, the commute was quick, efficient, and safe. Last month, I learned that RTA decided to

do away with this route and replace it with a city bus once again. This "Next Generation" looks an awful lot like the generation of 30 years ago. I want to add that I only learned of this by chance. I do not follow you on twitter or any other social media site. Had it not been for the pandemic, I imagine many of us would have been notified on the bus itself. Obviously, this did not happen. This news came as a surprise to many of us, and now we are left to scramble as we race to find other options to get us downtown. I am asking that you reverse this decision so there is NO disruption in the 263 service. When we are given the go-ahead to go back into the office, I'd like to return to "normal" and ride the 263 again. I suspect I am not the only 263 rider who feels this way. Please do not take this route away from all of us who rely on it.

President Lucas asked if route #11 will no longer go to Shaker Square. Mr. Freilich said the rail and #48 will remain at Shaker Square. Everywhere that the #11 stops in Shaker Square and Buckeye, a #8 will stop there instead. The NextGen #8 and current #11 both go downtown. This will give Quincy Ave. residents access to jobs on Cedar Road.

Community Advisory Committee (CAC)

Ms. Roberta Duarte was appointed as the new Board Liaison to the CAC.

Ad Hoc Committee Reports

There were a little over 1,600 Paratransit trip to get vaccinated and 2,700 shuttles to Wolstein for vaccination.

Committee Reports

There were no committee reports.

Introduction of New Employees/Promotions

Promotions:

1. Leon Williams – Warehouse Supervisor
2. Ellisia Turner – Supervisor - Janitorial
3. Daniel Waken – Assistant Supervisor
4. James Hunt – Supervisor - Rail Traffic
5. Rickie Buck – Assistant Supervisor - Equipment
6. Everett Clark – Assistant Supervisor - Track
7. Carla Hunber – Serve Quality Coordinator
8. Terrance Phillips – Terrance Philips

New Hires:

1. Steve Fernandez – Payroll Specialist
2. Richard Jeschelrig – Desktop Engineer II
3. Joshua Klabik – Financial Accountant I
4. Margaret Swetel – Assistant Contact Administrator
5. Deirdre Jones – Security/Chief of Police
6. Karen Sforzo – User Support Analyst
7. Barbara Zawal – Office Manager

Introduction of Resolutions:

- A. 2021-44 – Expressing appreciation to the Honorable Cleveland Councilwoman Phyllis Cleveland for advocating for public transportation while serving on Cleveland City Council and wishing her well on her retirement, the adoption of which was moved by Chief McCall, seconded by Ms. Pellot and approved by unanimous vote.

Rev. Lucas said she has been an excellent Councilwoman working on several projects like E. 34th Station. Chief McCall said she extends her gratitude and thanks in her absence. She will be missed.

- B. 2021-45 – Authorizing the exercise of option year two of two under Contract 2016-140 with Passport Labs, Inc., fka Passport Parking, Inc., for the purchase of a Mobile Ticketing Solution in an amount not to exceed \$96,000.00 (General Fund, Innovation & Technology Department budget), the adoption of which was moved by Mr. Serrano, seconded by Ms. Pellot and approved by unanimous vote.
- C. 2021-46 – Authorizing Contract No. 2020-197 with Hardesty & Hanover, LLC for Project 27Z – Engineering Services for the Waterfront Line Bridge Rehabilitation in an amount not to exceed \$1,468,163.84 (RTA Development Fund, Engineering & Project Development Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mayor Byrne and approved by unanimous vote.
- D. 2021-47 – Authorizing Contract No. 2021-016 with Railworks Track Services, Inc. for Project 16.85 – Red Line West Catenary Rehabilitation, as specified and as required, in an amount not to exceed \$2,101,300.00 (RTA Development Fund, Engineering & Project Development Department budget), the adoption of which was moved by Mayor Koomar, seconded by Mayor Byrne and approved by unanimous vote.
- E. 2021-48 – Authorizing Contract No. 2021-028 with Apex Construction & Management Co., Inc. for Project 18.45 – Michael’s Diner Roof Replacement, as specified and as required, in an amount not to exceed \$279,900.00 (RTA Development Fund, Engineering & Project Development Department budget), the adoption of which was moved by Mayor Koomar, seconded by Mr. Joyce and approved by unanimous vote.

Mr. Schipper said this building will undergo roof, heating and air conditioning work. The lessee will also do work on the doors and ADA accessibility.

- F. 2021-49 – Authorizing Contract No. 2021-044 BECDIR Construction Co. for Project 27Y – Rehabilitation of the Cuyahoga Viaduct (Phase 1), as specified and as required, in an amount not to exceed \$4,698,429.00 (RTA Development Fund, Engineering & Project Development Department budget), the adoption of which was moved by Mr. Serrano, seconded by Ms. Pellot and approved by unanimous vote.
- G. 2021-50 – Authorizing Contract No. 2021-55 with Zadar Technology, Inc. to provide Camera Equipment and Services for an amount not to exceed \$100,000.00 for the base one-year period with two, one-year options in an amount not to exceed \$100,000.00 per year, for a total contract amount not to exceed \$300,000.00 (RTA Capital Fund, Transit Police Department budget), the adoption of which was moved by Mayor Koomar, seconded by Mayor Byrne and approved by unanimous vote.

This is our camera equipment service. We use it to communicate from the field to central locations. This allows us to purchase the licenses for older analog cameras as we begin to upgrade the system to be digital and come through the fiber. Traditionally we spend less than \$100,000. This was brought to the Board just in case that amount is exceeded.

- H. 2021-51 – Authorizing Contract No. 2021-057 with Kronos Incorporated to provide Kronos Annual Subscription and Support Renewal for a period of one year in an amount not to exceed \$117,844.03 (General Fund, Innovation and Technology Department budget), the adoption of which was moved by Mayor Byrne, seconded by Chief McCall and approved by unanimous vote.

This is our timekeeping system. Last year it was moved to the Cloud. This allow us to have that service.

- I. 2021-52 – Authorizing Contract No. 2021-064 with Myers Equipment Corp. for the purchase of up to 10 Eldorado National Aerotech Paratransit Coaches, as specified, for a total contract amount not to exceed \$877,810.00 (RTA Development Fund, Fleet Management Department budget), the adoption of which was moved by Mr. Serrano, seconded by Chief McCall and approved by unanimous vote.
- J. 2021-53 – Authorizing Contract No. 2021-065 with Statewide Ford Lincoln, for the purchase and delivery of two (2) 2021 Ford Police Utility Canine Vehicles, Equipment, and Accessories, as specified, through the State of Ohio, Department of Administrative Services, Cooperative Purchasing Program for a total price not to exceed \$111,308.00 (RTA Development Fund, Fleet Management Department budget), the adoption of which was moved by Mr. Serrano, seconded by Mayor Byrne and approved by unanimous vote.

This is a replacement vehicle. We have a replacement process. This will provide two vehicles that will be outfitted for the canines. We have seven (7) canine dogs.

- K. 2021-54 – Amending budget appropriations for the FY 2021 Capital Improvement Fund budget to provide for an increase of \$144,603,665, the adoption of which was moved by Mayor Byrne, seconded by Chief McCall and approved unanimous vote.
- L. 2021-55 – Making appropriations for the current expenses and other expenditures of the Capital Improvement budget for the Greater Cleveland Regional Transit Authority for Fiscal Year ("FY") 2022, the adoption of which was moved by Mr. Serrano, seconded by Mr. Joyce and approved by unanimous vote.
- M. 2021-56 – Approving revised list of positions designated to use Purchasing Cards, the adoption of which was moved by Mayor Koomar, seconded by Mayor Weiss and approved by unanimous vote.

These are the Authority's credit cards. This identifies all of the positions that use the card.

- N. 2021-57 – Authorizing the Greater Cleveland Regional Transit Authority to execute a Non-Binding Letter of Intent with AJAPPJR, LLC, an Ohio Limited Liability Company, for Transit-Oriented Development of GCRTA property located at Columbus Road and Abbey Avenue, adjacent to the West 25th Street Rapid Transit Station, the adoption of which was moved by Mr. Serrano, seconded by Mr. Joyce and approved by unanimous vote.

Secretary-Treasurer's Report

Rajan Gautam, Deputy General Manager of Finance and Secretary-Treasurer presented the report. The 72% April Ridership increase for 2021 is not a fair comparison to 2020 because we lost a lot of ridership due to the shutdown from COVID-19. Passenger fares has a similar trend. April 2021 has an 85.9% increase over April 2020 which was in total shutdown. YTD PF is still down 34.1%. Sales tax has been strong. It is up 12.9% compared to 2020. The collections relate to economic activity in Feb. 2021. There is a three-month lag from the point the sales tax is generated to the point of receipt. The increase in receipts could be partly contributed to the \$600 Stimulus checks distributed late December through the end of January. The \$1,400 Stimulus checks were distributed in March/April so that will affect sales tax for June-August.

At the April Board meeting, we committed to discuss the strategic use of the projected ending balances resulting from the stimulus payments. After reviewing the data, we have made sure we stayed in

compliance with any grant restrictions and existing financial board policies pertaining to the required one month operating reserve and the transfer of 10% of sales tax to support capital fund. There were three rounds of stimulus funds that we received or in the process of receiving.

GRANT	AMOUNT	STATUS
CARES Act	Approximately \$112 million	Fully drawn down Oct. 2020
CRRSAA	Approximately \$ 67 million	\$36 m drawn down/balance by July
ARP	Approximately \$136 million	Not available for draw down yet
Total	Approximately \$315 million	

The funding is at 100% federal share with no local match required. The intent of the grants was to keep transit systems around the country running. It was intended to pay for operating expenses: salaries, fuel, PPE and cleaning supplies included, net of passenger fares. Such reimbursements will likely lead to improve projected ending balances, because Sales Tax revenue, which normally paid for operating expenses was not used. Once the money is drawdown it becomes unrestricted because it's on a reimbursement basis. When the stimulus grants paid for operations from March 2020-Oct. 2020, the sales tax and the reduced passenger fares ordinarily that would pay for the operations was not used. That's what's creating the balances. Without the stimulus funds, we'd be running a deficit of \$20 M for 2020 and \$50.2 M for 2021. For the out years it averages out to an operating loss of \$40 million. The assumptions we used for passenger fares and sales tax were conservative. Passenger fares shows a slow recovery over the next six years ranging from 1%-1.5% year over year. Sales tax ranges 2%-2.5% year over year.

Projected ending balances of the unrestricted cash we would have once the three grants are drawn down totals \$315 million. We have an opportunity to use these funds in a strategic manner with long term impact in mind and to provide as much stability to the operations as we can. These funds will be used to support the Operating Budget (\$98.8 M or 31%), Unfunded Capital Projects (\$152.2 M or 50%) and Debt reduction (\$60 M or 19%). The \$98.8 M for the Operating Budget will stabilize the operations through 2026, mitigate economic risks, avoid lay-offs or furloughs, service reductions and reduced reliance on Preventative Maintenance. Rev. Lucas said this is commendable to not have to layoff or furlough employees. The \$152.2 M for the Unfunded Capital Budget will ensure RTA will address projects from the RTA 10-year strategic plan approved December 2020 and identify specific projects in process. Current unfunded capital projects total \$344 M. The \$60 M for Debt Reduction will pay off debt. Average savings of \$3.1 M are projected annually through 2026. It will cut down the bonds payable from 2039 to 2030. Our average debt service varies from year to year based on the maturity dates of the bonds. By not having any debt for those nine years using \$14 M annual debt service will create savings of \$126 M. Those savings will reduce expenditures in the future for additional capital and/or operating use. The have engaged our bond counsel and financial advisors. A resolution will be brought to the Board in June 2021.

With these projections, we expect to end 2026 with an amount that slightly exceeds the 1-month Operating Ratio of 25%, remaining in full compliance of Board Policy. Ms. Duarte said that in addition to no layoffs or furloughs, it's also important to provide professional training and development to retain the staff to create long term impact.

Acting General Manager/CEO Report

Dr. Caver presented the report. RTA received approx. \$970,000 from ODOT and the Ohio Emergency Management Agency to provide transportation to vaccination sites through 15,000 All Day passes provided to social service agencies and shuttle services to free parking lots. As of May 20, we had 1,317 rides on Paratransit and 2,616 from the ADA shuttle. Transit Police continued to provide security and maintain traffic flow. He showed a slide that showed the top 10 vaccination destination sites. Approx. 70% of trips originated in an environmental justice community. And 80% of people who went to the Wolstein Center were from environmental justice communities. A report will be presented at a later date on how the grant money was spent and where the trips originated.

The Center for Disease Control and Governor DeWine recently lifted certain face mask requirements. However, the CDC and Governor still requires masks on public transit. It also requires masks for transit support staff such as mechanics and facilities workers. As such, the current RTA mask requirement will remain in place for all customers and staff. This past winter, Ms. Birdsong, Board and management looked at the mission and vision. The new mission and vision rolled out to the staff. The new mission is "Connecting the Community". The new vision is "Leading the delivery of safe and creative mobility solutions and community connections". Connecting the community can be realized in ways other than providing transportation such as vaccinations, fiber and Wi-Fi. The vision ensures we play that role in connections. We will become much more active in community forums. We'll ask our community partners to consider us in ways that one can start to look at transportation and mobility and in other ways we can serve in connections like employment. Our success outcomes will focus on Customer Experience, Community Value, Financial Sustainability and Employee Growth.

As a part of the Next Gen RTA launch we will have a week of free rides from June 13-19 on bus, rail, Park N Ride and Paratransit. This will give customers the opportunity to experience the new routes for free. The Office of Business Development received the 2021 Civil Rights Transportation Symposium Award for Excellence in Diversity & Inclusion "Transit System of the Year" for efforts to serve small and minority businesses. RTA's 2020 Annual Report is now live on the website. It is digital and interactive. RTA was named "Most Innovative" at the 2021 Trapeze-Vontas Conference for most innovative and forward thinking organization. This was for a project that Mike Lively and his team worked on to update the radio system on all RTA buses. The new system was funded through a grant. The new communication system has state-of-the-art vehicle alarms, priority cellular service, new radio communications towers and a turn-by-turn navigations system.

RTA Hayden Operator Godwin McNeal received 2nd place award from LYTX's 2021 National Driver Safety Awards in the transit motor coach category for dedication to safety. LYTX is a technology we use that reports when operators have risky driver behavior such as slamming on the brake or if they turn too quickly. Mr. McNeal drove with no risky behavior for a year. Rev. Lucas thanked the staff for the work they do.

Public Comments – Agenda Items (comments were submitted by form and phone)

1. Rev. Pam Pinkney Butts – Cleveland, OH – She asked about a hanging beam near the light rail and #8. She asked what the vision is for the new Police Chief. She asked when Rev. Lucas would meet with the clergy. She asked when the light rail on E. 79th Street would be upgraded and what is happening with the Superior Station and Windermere Station. Elaborate on nepotism. She wants to know when the ticket booths will be filled with workers. She does not want any route cuts. She requested the media director and Joel Freilich contact her.
2. Chris Martin – Cleveland, OH - Why does the Board of Trustees no longer even discuss the creation of a Civilian Police-Oversight Review Board? The creation of such a body was promised within the first year of hiring a new CEO. We are well past that time now. Already this year, we have seen two violent outbursts from RTA police. In one of these incidences, the cop pushed a rider onto live rail tracks imperiling that rider's life, and the cop received no substantive punishment. The Board of Trustees must follow through on its promise to establish a civilian police-oversight review board.
3. Erin Gay Miyoshi - Cleveland Heights, OH – I want to thank the GCRTA board and leadership team for offering a week of free rides starting June 13. This is a wonderful way to help our community become familiar with the new routes. I hope people from throughout the Greater Cleveland community will take advantage of GCRTA service during the week and enjoy the many benefits of opting to use public transit. This week will also provide the GCRTA board with data to take into consideration when evaluating fare collection versus the possibility of a fare

free system. Free public transit could have a major impact on increasing access to transportation and equity in Cleveland.

4. Jason Wu – Olmsted Falls - I was told that you are going to cancel the bus 263. Please reconsider this decision. I understand we are in pandemic of Covid-19. Most of us work from home but with vaccines available and OH is going to open soon, we will come back to work in downtown CLE soon with company order. At that time, we don't want to be left behind. Please postpone this decision.

Rev. Lucas asked Chief Jones to work with Dr. Caver on the Transit Police Civilian Board.

Executive Session

10:33 a.m. - Rev. Lucas requested an executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee of official and to confer with RTA's attorney regarding a dispute that is the subject of pending or imminent litigation. It was moved by Mayor Koomar, seconded by Mayor Byrne. There were ten (10) ayes and none opposed.

11:08 a.m. - It was moved by Mayor Koomar, seconded by Ms. Pellot to come out of executive session. There were ten (10) ayes and none opposed.

Upcoming Meetings

The next regular Board meeting is scheduled for Tuesday, June 29, 2021 in the Board Room of the Authority, Root-McBride Building, and 1240 West Sixth Street, Cleveland, Ohio 44113. This meeting will be live streamed on RTA's Facebook page for staff and members of the public at www.facebook.com/riderta Only Board members and required RTA staff will be allowed in the Board Room.

This meeting was adjourned at 11:08 a.m.

President

Attest: _____
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: AUTHORIZING AN INCREASE TO CONTRACT NO. 2019-148 TO PROVIDE 4G DRIVER BEHAVIOR PERFORMANCE MONITORING SYSTEM EQUIPMENT AND RELATED SERVICES FOR BUS AND PARATRANSIT VEHICLES VENDOR: LYTX, INC. AMOUNT: NTE \$211,000.00 FOR A NEW TOTAL CONTRACT AMOUNT NTE \$1,213,936.00	Resolution No.: 2021-58
	Date: June 24, 2021
	Initiator: Fleet Management
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to increase Contract No. 2019-148 with Lytx, Inc. to purchase 4G driver behavior performance monitoring system equipment and related services under the existing agreement for Driver Behavior Performance Monitoring System services.

- 2.0 **DESCRIPTION/JUSTIFICATION:** During negotiations for subscription services under Contract No. 2019-148, GCRTA was informed by Lytx that the 3G technology DriveCam DC3P device was scheduled for sunset by cellular providers on December 31, 2021 and, consequently, the 416 DC3P devices currently installed in the GCRTA fleet will not work after that time. This request will increase the contract by \$211,000.00 and will allow the Authority to purchase up to 440 Lytx SF300 DriveCam event recorder kits, which include event recorders, harnesses, mounting brackets, equipment, shipping and handling fees, as well as a provisioning fee for the GCRTA fleet as previously negotiated in Contract No. 2019-148.

- 3.0 **PROCUREMENT BACKGROUND:** Contract No. 2019-148 was awarded to Lytx, Inc. on December 17, 2019, by Resolution No. 2019-113 to purchase driver behavior performance monitoring system services. The contract award was in an amount not to exceed \$601,761.60 for the base three years, and an amount not to exceed \$200,587.20 for each of the two option years, for a total contract amount not to exceed \$1,002,936.00 for the five-year period.

 Contract No. 2019-148 anticipated the purchase of 4G performance monitoring system equipment and related services. DriveCam technology is proprietary to Lytx, Inc. and, therefore, this sole source procurement was exempt from competitive bidding as authorized under Section 306.43(H)(3) of the Ohio Revised Code. The Fleet Management Department reviewed the offer for adherence to the technical requirements. This change order was discussed and approved by the Change Order Committee.

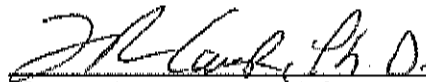
 The price analysis has been performed and the Procurement Department has determined that the price is fair and reasonable to the Authority.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 0% DBE participation goal was established for this procurement because it is for the maintenance of proprietary software, which work is limited and exclusive to the original provider and installer by agreement.

- 5.0 **POLICY IMPACT:** Does not apply.

- 6.0 **ECONOMIC IMPACT:** This increase shall be payable from the General Fund, Fleet Management Department budget, in an amount not to exceed \$211,000.00, for a new total contract amount not to exceed \$1,213,936.00 for the five year period.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer would leave the Authority without a critical training tool for its bus and paratransit operators.
- 8.0 **RECOMMENDATION:** It is recommended that the offer of Lytx, Inc. be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to modify the contract.
- 9.0 **ATTACHMENTS:** None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



General Manager, Chief Executive Officer

RESOLUTION NO. 2021-58

AUTHORIZING AN INCREASE TO CONTRACT NO. 2019-148 WITH LYTX, INC. TO PROVIDE 4G DRIVER BEHAVIOR PERFORMANCE MONITORING SYSTEM EQUIPMENT AND RELATED SERVICES FOR BUS AND PARATRANSIT VEHICLES IN AN AMOUNT NTE \$211,000.00, FOR A NEW TOTAL CONTRACT AMOUNT NTE \$1,213,936.00 (GENERAL FUND, FLEET MANAGEMENT DEPARTMENT BUDGET)

WHEREAS, the Authority currently utilizes a driver behavior performance monitoring system for its bus and paratransit vehicles; and

WHEREAS, on December 17, 2019, Resolution No. 2019-113 authorized Contract No. 2019-148 with Lytx, Inc. to provide driver behavior performance monitoring system services, as needed, in an amount not to exceed \$601,761.60 for the base three years, and an amount not to exceed \$200,587.20 for each of the two option years, for a total contract amount not to exceed \$1,002,936.00 for the five-year period; and

WHEREAS, based on the Authority's need to now purchase Lytx's proprietary 4G driver behavior performance monitoring system equipment and related services, an offer was received from Lytx, Inc. with an office located at 9785 Towne Centre Drive, San Diego, CA 92121, and

WHEREAS, Lytx, Inc. has offered to provide the 4G driver behavior performance monitoring equipment and related services at a discounted rate, resulting in an increase to the contract in a negotiated amount not to exceed \$211,000.00, for a new total contract amount not to exceed \$1,213,936.00 for the five year period; and

WHEREAS, the General Manager, Chief Executive Officer deems the negotiated offer from Lytx, Inc. to provide 4G driver behavior performance monitoring equipment and related services as specified in Contract No. 2019-148, to be in the best interest of the Authority and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the offer of Lytx, Inc. to increase Contract No. 2019-148 for 4G driver behavior performance monitoring equipment and related services for bus and paratransit vehicles is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to amend Contract 2019-148 with Lytx, Inc. to increase the contract by an amount not to exceed \$211,000.00 for 4G driver behavior performance monitoring equipment and related services for bus and paratransit vehicles.

Section 3. This increase will be payable through the General Fund, Fleet Management Department budget, in an amount not to exceed \$211,000.00 for a new total contract amount not to exceed \$1,213,936.00 for the five year period.

Section 4. That the General Manager, Chief Executive Officer's change order authority is reinstated in its entirety.

Section 5. That all other terms and conditions of the original contract remain unchanged.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: RAIL GRINDING PROGRAM MANAGEMENT ENGINEERING SERVICES VENDOR: ADVANCED RAIL MANAGEMENT CORPORATION AMOUNT: NOT TO EXCEED \$476,369.80	Resolution No.: 2021-59
	Date: June 24, 2021
	Initiator: Engineering & Project Development
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to enter into a contract to provide rail grinding program management engineering services.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Authority sought the services of qualified and interested engineering firms experienced in wheel and rail profile analysis. The engineering firm shall provide rail grinding program management engineering services for the optimal rail profile templates that will be developed into rail grinding specifications.
- 3.0 **PROCUREMENT BACKGROUND:** The Request for Proposals ("RFP") was posted on the procurement website and advertised in the local newspapers. One (1) proposal was received on April 29, 2021 in response to this solicitation. After evaluation by a panel of Authority employees in accordance with established Procurement Department policies and procedures, and subsequent negotiations, the proposal of Advanced Rail Management Corporation to provide Rail Grinding Program Management Engineering Services was determined to be advantageous to the Authority.

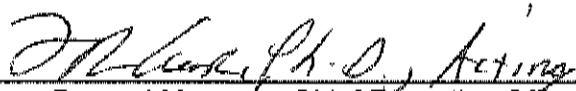
Advanced Rail Management Corporation is a consulting engineering firm that specializes in providing expertise to both railways and transit systems in all areas related to the wheel/rail interface. The firm has over 30 years of experience in the industry and has 15 employees with a range of highly technical and professional skills. Additionally, sub-consultant National Resource Council of Canada (NRC) has provided specialized optimizations on the wheel/rail profile in the industry for over 30 years. Advanced Rail Management Corporation has successfully performed multiple specialized vehicle and system engineering studies, to include wheel wear, noise abatement, and wheel/rail interface problems, for transit agencies throughout North America.

A cost analysis was performed and the Procurement Department has determined the negotiated price in an amount not to exceed \$476,369.80 to be fair and reasonable to the Authority.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 12% DBE participation goal was established for this procurement. Advanced Rail Management Corporation has agreed to achieve 2% DBE participation under the contract using Denise's Flagging Services (African American female-owned) in the amount of \$8,000.00. Advanced Rail Management Corporation also submitted documentation that demonstrated sufficient good faith effort had been made to achieve the 12% DBE participation goal.
- 5.0 **POLICY IMPACT:** Does not apply.

- 6.0 **ECONOMIC IMPACT:** This procurement shall be payable through the RTA Development Fund, Engineering & Project Development budget, including but not limited to Capital Grant (OH-2016-055), for a total contract amount not to exceed \$476,369.80 (\$381,095.84 in federal funds which represents 80% of total cost). This total is 2% below the cost estimate.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer will hinder the Authority's ability to improve the overall performance of the heavy rail fleet.
- 8.0 **RECOMMENDATION:** This procurement was discussed by the Board of Trustees at the June 15, 2021 Operational Planning & Infrastructure Committee meeting. It is recommended that the offer of Advanced Rail Management Corporation be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to enter into a contract.
- 9.0 **ATTACHMENT:** None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



General Manager, Chief Executive Officer

RESOLUTION NO. 2021-59

AUTHORIZING CONTRACT NO. 2021-029 WITH ADVANCED RAIL MANAGEMENT CORPORATION FOR RAIL GRINDING PROGRAM MANAGEMENT ENGINEERING SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$476,369.80 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority has the need for wheel and rail profile analysis; and

WHEREAS, as part of the rail grinding program management engineering services, optimal rail profile templates will be developed into rail grinding specifications; and

WHEREAS, the proposal of Advanced Rail Management Corporation, located at 507 Latania Palm Drive, Indialantic, FL 32903, was received on April 29, 2021; and

WHEREAS, after negotiations, the proposal of Advanced Rail Management Corporation to provide Rail Grinding Program Management Engineering Services for a total contract amount not to exceed \$476,369.80 was determined to be most advantageous to the Authority, cost and other factors considered; and

WHEREAS, the General Manager, Chief Executive Officer, deems the offer of Advanced Rail Management Corporation to be in the best interest of the Authority and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the offer of Advanced Rail Management Corporation, as negotiated, to provide Rail Grinding Program Management Engineering Services be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to enter into a contract with Advanced Rail Management Corporation to provide Rail Grinding Program Management Engineering Services.

Section 3. This procurement shall be payable through the RTA Development Fund, Engineering & Project Development budget, including but not limited to Capital Grant (OH-2016-055), for a total contract amount not to exceed \$476,369.80 (\$381,095.84 in federal funds which represents 80% of total cost).

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements; and all applicable laws relating to the contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Advanced Rail Management Corporation will attempt to exceed the 12% minimum DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: PROJECT 19.07 ON-CALL SURVEYING SERVICES – PHASE 6 VENDOR: KS ASSOCIATES, INC. AMOUNT: NTE \$250,000.00 FOR A 36 MONTH PERIOD	Resolution No.: 2021-60
	Date: June 24, 2021
	Initiator: Engineering & Project Development
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE/SCOPE:** This action will allow the Authority to enter into a contract for On-Call Surveying Services for a period of 36 months.

2.0 **DESCRIPTION/JUSTIFICATION:** This resolution will allow the Authority to retain consultant professional services to complete the determination of land areas, monumenting of property boundaries, platting and layout of lands and subdivision thereof, including the topography, utilities, the alignment and grades of streets, buildings, other property improvements and features, topography cross sections, transit rails, transit crossings, the preparation of maps, record plats, field note records and property descriptions representing such surveys on an as-needed basis for several potential tasks.

In addition, this project will include assisting the GCRTA Property Manager with the sale and purchase of properties by performing land surveys, providing legal descriptions, setting monuments, deed research, title searches, plats of properties and ALTA surveys.

3.0 **PROCUREMENT BACKGROUND:** The Request for Proposals (“RFP”) was posted on the GCRTA Procurement web site and advertised in the local newspapers. Seventeen interested parties, including potential subcontractors, downloaded the solicitation package. These services were solicited through a competitive negotiated procurement, utilizing the Brooks Act Procedures. Under this process, the Authority’s evaluation panel selects the most technically qualified firm, solicits a pricing proposal from that firm, and negotiates price only with that firm. Should the Authority determine that an agreement cannot be reached with the most qualified firm, it may reject that proposal and repeat the process with the next most qualified firm. In this instance, negotiations were held with KS Associates, Inc., the first ranked firm, and an acceptable price was reached.

KS Associates, Inc. has successfully completed the On-Call Surveying project in the past. The Procurement Department performed a cost analysis and determined the proposed pricing to be fair and reasonable to the Authority.


4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 7% DBE goal was established for this procurement. KS Associates, Inc. has committed to achieving the DBE participation goal through the utilization of National Engineering & Architectural Service, (Subcontinent Asian-owned) in the amount of \$10,000.00 and Denise’s Flagging & Construction Services, (African American female-owned) in the amount of \$12,500.00 for a total of \$22,500.00 or 9%.

5.0 **POLICY IMPACT:** Does not apply.

6.0 **ECONOMIC IMPACT:** This contract shall be payable from the RTA Development Fund, Engineering & Project Development Department budget including but not limited to 100% Local funds and FTA Capital Grants to be determined, in an amount not to exceed \$250,000.00 for a period of 36 months. This is the budgeted amount for this project.

- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer would leave the Authority without the technical expertise of a professional surveying firm and would create undue hardship on GCRTA's Engineering Department due to its existing workload.
- 8.0 RECOMMENDATION: This procurement was discussed by the Board of Trustees Operational Planning and Infrastructure Committee at the June 15, 2021 meeting. It is recommended that the offer from KS Associates, Inc. be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to enter into a contract.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



General Manager, Chief Executive Officer

RESOLUTION NO. 2021-60

AUTHORIZING CONTRACT NO. 2021-056 WITH KS ASSOCIATES, INC. FOR PROJECT 19.07 – ON-CALL SURVEYING SERVICES – PHASE 6 IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR A PERIOD OF 36 MONTHS (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, The Authority requires on-call surveying services for determining land areas, monumenting of property boundaries, platting and layout of lands and sub-divisions thereof, including topography, utilities, alignment of grades of streets, buildings, transit rails, transit crossings, the preparation of maps, record plats, field note records and property descriptions, legal descriptions, deed research, title searches, and ALTA surveys; and

WHEREAS, the proposal of KS Associates, Inc., with an office located at 600 Superior Avenue East, Suite 1300, Cleveland, Ohio 44114, to perform said services was received on May 19, 2021 in response to a competitive solicitation; and

WHEREAS, after negotiations, KS Associates, Inc. has agreed to perform the required services in an amount not to exceed \$250,000.00 for a period of 36 months; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of KS Associates, Inc. to be the most advantageous to the Authority, and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the negotiated offer of KS Associates, Inc. to provide various task order services under Project 19.07 – On-Call Surveying Services – Phase 6 be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and is hereby authorized to enter into a contract with KS Associates, Inc. for the performance of said services.

Section 3. That said contract shall be payable from the RTA Development Fund, Engineering & Project Development Department budget including but not limited to 100% Local funds and FTA Capital Grants to be determined, in an amount not to exceed \$250,000.00 for a period of 36 months.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon future funding, compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that KS Associates, Inc. will attempt to exceed the 7% minimum DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: FURNISHING OF ENGINE OIL, AS SPECIFIED & AS REQUIRED, FOR A PERIOD OF ONE YEAR VENDOR: VALVOLINE, INC. AMOUNT: NOT TO EXCEED \$243,150.00	Resolution No.: 2021-61
	Date: June 24, 2021
	Initiator: Fleet Management Department
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This resolution will allow the Authority to enter into a contract for the furnishing of engine oil, as specified and as required, for a period of one year.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This contract for engine oil is necessary for the maintenance of the Authority's revenue and non-revenue vehicles with gasoline, diesel and CNG fueled engines.
- 3.0 **PROCUREMENT BACKGROUND:** The Invitation for Bid (IFB) was posted on the GCRTA Procurement web site and advertised in the local newspapers. Nineteen interested parties downloaded the solicitation. Four responsive bids were received on May 19, 2021.

The bid of Valvoline, Inc. has been determined by the Procurement Department to be the lowest responsive bid from a responsible bidder.

Valvoline, LLC.			
Diesel Gallons	GCRTA Part #	Amount	Extended Total
30,000	61-195	\$ 7.50	\$ 225,000.00
440	61-195a	\$ 8.00	\$ 3,520.00
220	61-183a	\$ 8.10	\$ 1,782.00
1,000	61-183b	\$ 7.70	\$ 7,700.00
660	61-187a	\$ 7.80	\$ 5,148.00
			\$ 243,150.00

Rowleys Wholesale			
Diesel Gallons	GCRTA Part #	Amount	Extended Total
30,000	61-195	\$ 9.52	\$ 285,600.00
440	61-195a	\$ 10.07	\$ 4,430.80
220	61-183a	\$ 9.01	\$ 1,982.20
1,000	61-183b	\$ 8.46	\$ 8,460.00
660	61-187a	\$ 8.76	\$ 5,781.60
			\$ 306,254.60


Northeast Lubricants			
Diesel Gallons	GCRTA Part #	Amount	Extended Total
30,000	61-195	\$ 9.56	\$ 286,800.00
440	61-195a	\$ 10.56	\$ 4,646.40
220	61-183a	\$ 9.21	\$ 2,026.20
1,000	61-183b	\$ 8.21	\$ 8,210.00
660	61-187a	\$ 8.86	\$ 5,847.60
			\$ 307,530.20

The Farley Company			
Diesel Gallons	GCRTA Part #	Amount	Extended Total
30,000	61-195	\$ 9.80	\$ 294,000.00
440	61-195a	\$ 10.20	\$ 4,488.00
220	61-183a	\$ 8.60	\$ 1,892.00
1,000	61-183b	\$ 8.20	\$ 8,200.00
660	61-187a	\$ 8.60	\$ 5,676.00
			\$ 314,256.00

A price analysis has been performed and the Procurement Department has determined the price to be fair and reasonable to the Authority. The bid price is approximately 2% above the budget estimate.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 0% DBE goal was established for this procurement due to the lack of certified DBE firms.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This procurement will be funded through the General Fund, Fleet Management Department budget, in an amount not to exceed \$243,150.00 for the one-year period.
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer would negatively impact the Authority's ability to maintain its vehicles.
- 8.0 RECOMMENDATION: It is recommended that the bid of Valvoline, Inc. be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to enter into a contract.
- 9.0 ATTACHMENT: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


General Manager, Chief Executive Officer

RESOLUTION NO. 2020-61

AUTHORIZING CONTRACT NO. 2021-066 WITH VALVOLINE, INC. FOR THE FURNISHING OF ENGINE OIL, AS SPECIFIED AND AS REQUIRED, FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$243,150.00 (GENERAL FUND, FLEET MANAGEMENT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority requires the furnishing of engine oil for the Authority's vehicles; and

WHEREAS, the bid of Valvoline, Inc., located at 100 Valvoline Way, Lexington, Kentucky 40509, for the furnishing of engine oil, as specified and as required, for a period of one year was received on May 19, 2021, at unit prices resulting in a total contract amount not to exceed \$243,150.00; and

WHEREAS, the General Manager, Chief Executive Officer deems the bid of Valvoline, Inc. to be the lowest responsive bid from a responsible bidder and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the bid of Valvoline, Inc. for the furnishing of engine oil, as specified and as required, for a period of one year be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer be and she is hereby authorized to enter into a contract with Valvoline, Inc. for the furnishing of engine oil, as specified and as required, for a period of one year.

Section 3. This procurement will be funded through the General Fund, Fleet Management Department budget, in an amount not to exceed \$243,150.00 for the one-year period.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Valvoline, Inc. will attempt to exceed the 0% minimum DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: TRAPEZE PARATRANSIT SOFTWARE SUPPORT VENDOR: TRAPEZE SOFTWARE GROUP, INC. AMOUNT: NTE \$1,790,460.00 FOR A PERIOD OF FOUR YEARS	Resolution No.: 2021-62
	Date: June 24, 2021
	Initiator: Innovation and Technology Department
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE/SCOPE:** This action will allow the Authority to renew a sole source contract for software upgrades, maintenance and support of the Demand Response (ADA Paratransit Services), Customer Trip Planning, and Customer Communications software products for a period of four years.

2.0 **DESCRIPTION/JUSTIFICATION:** The Authority requires vendor support of its Trapeze software products for Demand Response operations. This support allows the Authority to retain fully functional software solutions that can be adapted to meet its business needs. Critical products requiring support under this agreement include:

- Demand Response– service is used to provide transportation services for ADA and senior riders
- Customer Information – provides customer trip planning itineraries, along with bus/rail timetables
- Customer Communication – provides a method to track and respond to customer concerns. Customers can access and perform activities related to demand response, trip information, and client communication via the internet and telephone without staff intervention.

Vendor support services include 24/7 support access, On-Line Knowledge Base, access to user forums, new software releases, enhancement updates and software bug fixes, standard documentation and basic user training and certification.

3.0 **PROCUREMENT BACKGROUND:** This contract for software upgrades, maintenance and support services is exempt from competitive bidding as authorized by Section 306.43(H)(3) of the Ohio Revised Code. Trapeze Software Group, Inc. developed these systems on a proprietary basis and is the only source for maintenance, licensing and support services. These software products were procured to meet the Authority's goal to provide ADA and senior transportation, trip planning and customer service to the general public. Trapeze Software Group, Inc. has offered to provide these services at a negotiated amount not to exceed \$1,790,460.00 for the four-year period.

The proposal from Trapeze Software Group, Inc. was reviewed by the Innovation and Technology Department for adherence to technical requirements. A cost analysis was performed and the Procurement Department has determined that the price is fair and reasonable to the Authority.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 0% DBE goal was established for this procurement due to the lack of certified DBE firms.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** The contract will be funded through the General Fund, Innovation and Technology Department budget, at a total price not to exceed \$424,614.00 for year one, and at total prices not to exceed \$433,258.00, \$454,921.00 and \$477,667.00 respectively, for the remaining three years, for a total contract price not to exceed \$1,790,460.00. This is within the budgeted amount for these services.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer would leave the Trapeze Paratransit software applications unlicensed and unsupported which would jeopardize the functionality of critical software systems vital to providing demand response services to our community.
- 8.0 **RECOMMENDATION:** It is recommended that the offer of Trapeze Software Group, Inc. be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to enter into a contract.
- 9.0 **ATTACHMENTS:** None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


General Manager, Chief Executive Officer

RESOLUTION NO. 2021-62

AUTHORIZING CONTRACT NO. 2021-077 WITH TRAPEZE SOFTWARE GROUP, INC. TO PROVIDE PARATRANSIT SOFTWARE SUPPORT SERVICES FOR A PERIOD OF FOUR YEARS IN AN AMOUNT NOT TO EXCEED \$1,790,460.00 (GENERAL FUND, INNOVATION AND TECHNOLOGY DEPARTMENT BUDGET)

WHEREAS, the Authority requires continued maintenance and support of its Demand Response, Customer Information, and Client Communications software products; and

WHEREAS, Trapeze Software Group, Inc. is the original developer and installer of these proprietary software products; and

WHEREAS, the offer of Trapeze Software Group, Inc., located at 5265 Rockwell Drive NE, Cedar Rapids, Iowa 52402, to provide said services at a total price not to exceed \$1,790,460.00 for the four year period, to be payable in annual amounts of \$424,614.00, \$433,258.00, \$454,921.00 and \$477,667.00, respectively, was agreed upon; and

WHEREAS, the Ohio Revised Code, Section 306.43(H)(3) provides that competitive bidding is not required when the expenditure is for a renewal or re-negotiation of a lease or license for telecommunications or electronic data processing equipment, services or systems, or for the upgrade of such equipment, services or systems, or for the maintenance thereof, as supplied by the original source or its successors or assigns; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of Trapeze Software Group, Inc., as negotiated, to provide maintenance, licensing and support services for these products to be in the best interest of the Authority and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the offer of Trapeze Software Group, Inc., as negotiated, to provide maintenance and support services for the Authority's Demand Response, Customer Information, and Client Communications software products for a period of four years be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to enter into a contract with Trapeze Software Group, Inc. to provide said services for a period of four years.

Section 3. The contract will be funded through the General Fund, Innovation and Technology Department budget, at a total price not to exceed \$424,614.00 for year one, and at total prices not to exceed \$433,258.00, \$454,921.00 and \$477,667.00 respectively, for the remaining three years, for a total contract price not to exceed \$1,790,460.00.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon future funding, compliance by the contractor with the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Trapeze Software Group, Inc. will attempt to exceed the 0% minimum DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: ULTRAMAIN SOFTWARE HOSTING VENDOR: ULTRAMAIN SYSTEMS, INC. AMOUNT: NTE \$416,130.00 FOR A PERIOD OF THREE YEARS	Resolution No.: 2021-63
	Date: June 24, 2021
	Initiator: Intelligent Transportation Systems Department
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE/SCOPE:** This action will allow the Authority to enter into a sole source agreement for the offsite hosting of its CITME ("Ultramain") maintenance and materials management software system for a period of three years.

2.0 **DESCRIPTION/JUSTIFICATION:** Ultramain is an intricate part of the Operations Division that manages materials usage and the work order system, including documentation of labor used to provide both fleet and facilities management. Ultramain also provides real time updates to the Authority's inventory system. It is interfaced to the Authority's Oracle Financial Management and Purchasing system. The reports generated through Ultramain provide management tools that allow for analysis of both maintenance processes and contractor performance.

The Authority currently has an on-premise environment, maintaining the servers, operating system and databases for Ultramain. Maintaining the on-premise environment creates a burden on the Authority's resources, as well as exposure as a single point of failure. Utilizing Ultramain Systems, Inc. to host software offsite will free up critical staffing and other resources. The hosting solution will also mitigate exposure and potential system outages, due to its redundancy and two different physical locations.

3.0 **PROCUREMENT BACKGROUND:** This sole source contract is exempt from competitive bidding as authorized under Section 306.43(H)(3) of the Ohio Revised Code. Ultramain Systems, Inc. (fka Software Solutions Unlimited) developed this maintenance and materials management system on a proprietary basis and is the only source for providing any modifications, development or maintenance services for the software. The hosting solution will cover a period up to three years in an amount not to exceed \$132,000.00 for year one, \$138,600.00 for year two, and \$145,530.00 for year three, for a total contract not to exceed \$416,130.00.

The Procurement Department requested a proposal from Ultramain Systems, Inc. The Intelligent Transportation Systems department reviewed the proposal for adherence to the technical requirements. A cost analysis was performed and the Procurement Department has determined the price to be fair and reasonable to the Authority.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 0% DBE goal was established for this procurement due to the lack of certified DBE firms.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** The contract will be funded through the General Fund, Intelligent Transportation Systems Department budget, at a total price not to exceed \$416,130.00 for a period of three years, to be payable in annual amounts not to exceed \$132,000.00, \$138,600.00 and \$145,530.00 respectively. This total is within the budgeted amount for these services.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer would result in the CITME/Ultramain software application remaining in the Authority's on-premise environment, resulting in the loss of an opportunity to conserve resources to maintain the system, and potential exposure due to lack of redundancy. Rejection of this offer would also delay the Authority's Ultramain V9 upgrade, which will provide additional functionality vital to the organization.
- 8.0 **RECOMMENDATION:** It is recommended that the offer of Ultramain Systems, Inc. be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to enter into a contract.
- 9.0 **ATTACHMENTS:** None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


General Manager, Chief Executive Officer

RESOLUTION NO. 2021-63

AUTHORIZING CONTRACT NO. 2021-078 WITH ULTRAMAIN SYSTEMS, INC. TO PROVIDE ULTRAMAIN SOFTWARE HOSTING SERVICES FOR A PERIOD OF THREE YEARS IN AN AMOUNT NOT TO EXCEED \$416,130.00 (GENERAL FUND, INTELLIGENT TRANSPORTATION SYSTEMS DEPARTMENT BUDGET)

WHEREAS, the Authority currently utilizes Ultramain Systems, Inc. licensed products for its maintenance and materials management applications; and

WHEREAS, the Authority currently operates the maintenance and materials management software applications in house via an on-premise environment, maintaining the servers, operating system and databases; and

WHEREAS, this maintenance and materials management software is proprietary to Ultramain Systems, Inc. (f.k.a. Software Solutions Unlimited), the original provider and installer of this software; and

WHEREAS, Ultramain Systems, Inc has offered to provide the Authority a hosted solution for its maintenance and materials management applications; and

WHEREAS, the offer of Ultramain Systems, Inc, located at 8100 Lang Avenue, Albuquerque, New Mexico 87109, to provide said services at a total price not to exceed \$416,130.00 for a period of three years, to be payable in annual amounts not to exceed \$132,000.00, \$138,600.00, and \$145,530.00 respectively was agreed upon; and

WHEREAS, the Ohio Revised Code, Section 306.43(H)(3) provides that competitive bidding is not required when the expenditure is for a renewal or re-negotiation of a lease or license for telecommunications or electronic data processing equipment, services or systems, or for the upgrade of such equipment, services or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of Ultramain Systems, Inc, as negotiated, to provide hosting services for its maintenance and materials management software applications to be in the best interest of the Authority and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the offer of Ultramain Systems, Inc, as negotiated, to provide hosting services for its maintenance and materials management software applications for a period of three years be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and is hereby authorized to enter into a contract with Ultramain Systems, Inc to provide said services for a period of three years.

Section 3. The contract will be funded through the General Fund, Intelligent Transportations Systems Department budget, in an amount not to exceed \$416,130.00 for a period of three years, to be payable in annual amounts not to exceed \$132,000.00, \$138,600.00, and \$145,530.00 respectively.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon future funding, compliance by the contractor with the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Ultramain Systems, Inc will attempt to exceed the 0% minimum DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____

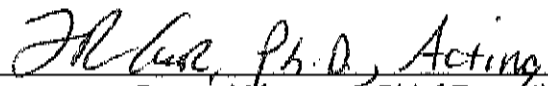
Secretary-Treasurer



TITLE/DESCRIPTION: AMENDING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, AS ADOPTED IN RESOLUTION NOS. 2020-101 AND 2021-019 AND INCREASING THE APPROPRIATION TO THE GENERAL FUND BY \$62,000,000	Resolution No.: 2021- 64
	Date: June 24, 2021
	Initiator: Office of Management & Budget
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This action will authorize an amendment to increase the Appropriations in the General Fund for an increase in the transfer to the Bond Retirement Fund for the cash defeasance of debt service and payment of reasonable fees and costs associated with the defeasance.
- 2.0 DESCRIPTION/JUSTIFICATION: The proposed amendment will authorize an increase in the overall appropriations budget for Fiscal Year ("FY") 2021 by \$62.0 million to be transferred to the Bond Retirement Fund for defeasance of debt service to all or a portion of the Series 2012 Bonds, the Series 2015 Bonds, the Series 2016 Bonds, and the Series 2019 Bonds, which would result in debt service cost savings, which will accrue to the benefit of the Authority.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: The FY 2021 Budget provides for the revenues and expenditures of the Authority. The increased appropriation to the General Fund will enable funding to be transferred to the Bond Retirement Fund for the defeasance of debt service.
- 6.0 ECONOMIC IMPACT: This amendment will increase the transfers to the Bond Retirement Fund by \$62.0 million. These funds will be used for the defeasance of debt service and payment of reasonable fees and costs associated with the defeasance.
- 7.0 ALTERNATIVES: Modify or not approve the budget amendment as proposed. This would prevent the Authority from paying off a portion of its debt service.
- 8.0 RECOMMENDATION: The proposed 2021 Amended General Fund Budget has been reviewed at the June 15, 2021 Operational Planning & Infrastructure Committee and is recommended for adoption. It is recommended that the Board approve the proposed FY 2021 Amended General Fund Budget as proposed herein.
- 9.0 ATTACHMENTS: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



General Manager, Chief Executive Officer

RESOLUTION NO. 2021-64

AMENDING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, AS ADOPTED IN RESOLUTION NO. 2020-101 AND 2021-019 AND INCREASING THE APPROPRIATION TO THE GENERAL FUND BY \$62,000,000

WHEREAS, the Authority has both a legal and managerial requirement to establish the revenues to be received for the upcoming fiscal year, including all taxes, user fees, and other types of revenues, as well as estimates of all expenditures or outlays for the operation of this public transportation system in the fiscal year to be paid or met from said revenue; and

WHEREAS, in order to meet those requirements, a budget for the Greater Cleveland Regional Transit Authority for the fiscal year beginning January 1, 2021 and ending December 31, 2021 ("FY 2021") was prepared; and

WHEREAS, the Bond Retirement Fund accounts for resources set aside for the payment of principal and interest on debt obligations; and

WHEREAS, it is in the best interest of the Authority to increase the appropriation by \$62.0 million, to transfer this funding to the Bond Retirement Fund; and

WHEREAS, the funds will be deposited into an escrow account to defease all or a portion of the Series 2012 Bonds, the Series 2015 Bonds, the Series 2016 Bonds, and the Series 2019 Bonds and reasonable fees and costs associated with such defeasance, which would result in debt service cost savings and benefit the Authority; and

WHEREAS, the Board of Trustees adopted the FY 2021 General Fund Budget on December 15, 2020 through Resolution No. 2020-101 and on February 16, 2021 through Resolution No. 2021-019; and

WHEREAS, the Operational Planning & Infrastructure Committee of the Board of Trustees reviewed and discussed the proposed increase to the FY 2021 General Fund Budget on June 15, 2021 and recommended its approval by the Board on June 29, 2021.

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the appropriations for the current expenses and other expenditures of the Authority, during the period of January 1, 2021 through December 31, 2021 ("Fiscal Year 2021"), as set forth in Resolution No. 2020-101, adopted by the Board on December 15, 2020 and in Resolution No. 2021-019, adopted by the Board on February 16, 2021, are hereby amended as follows:

General Fund

	2021 Current Budget Appropriation	2021 Amended Budget Appropriation	Variance
OPERATIONS DIVISION			
DIVISION TOTAL	\$ 212,670,798	\$ 212,670,798	\$ -
FINANCE & ADMINISTRATION DIVISION			
DIVISION TOTAL	\$ 15,450,731	\$ 15,450,731	\$ -
ENGINEERING & PROJECT MANAGEMENT DIVISION			
DIVISION TOTAL	\$ 3,678,992	\$ 3,678,992	\$ -
LEGAL AFFAIRS DIVISION			
DIVISION TOTAL	\$ 9,793,203	\$ 9,793,203	\$ -
HUMAN RESOURCES DIVISION			
DIVISION TOTAL	\$ 7,608,955	\$ 7,608,955	\$ -
EXECUTIVE DIVISION			
12 EXECUTIVE	1,839,584	1,839,584	-
16 SECRETARY/TREASURER - BOARD OF TRUSTEES	280,572	280,572	-
19 INTERNAL AUDIT	1,019,110	1,019,110	-
53 MARKETING & COMMUNICATIONS	2,417,932	2,417,932	-
61 INFORMATION TECHNOLOGY	7,726,620	7,726,620	-
99 FUND TRANSFERS			
Personnel Services	-	-	-
Other Expenditures	70,157,882	132,157,882	62,000,000
	70,157,882	132,157,882	62,000,000
DIVISION TOTAL	\$ 83,441,699	\$ 145,441,699	\$ 62,000,000
GRAND TOTAL	\$ 332,644,379	\$ 394,644,379	\$ 62,000,000

Section 2. That all other provisions of the appropriations for the current expenses and other expenditures of the Authority, during Fiscal Year 2021, as set forth in Resolution Nos. 2020-101 and 2021-019, not otherwise amended, shall remain in full force and effect.

Section 3. That this resolution shall become effectively immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer

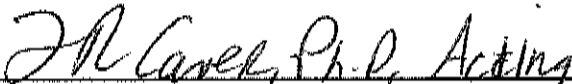


Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING THE DEFEASANCE OF CERTAIN OUTSTANDING SALES TAX SUPPORTED BONDS	Resolution No.: 2021 -65
	Date: June 24, 2021
	Initiator: Cash Management
ACTION REQUEST: X Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other	

- 1.0 PURPOSE/SCOPE: This action will authorize the defeasance of an amount not to exceed \$62,000,000 of certain outstanding Series 2012, Series 2015, Series 2016 and Series 2019 Sales Tax Supported Bonds (the "Sales Tax Supported Bonds").
- 2.0 DESCRIPTION/JUSTIFICATION: The defeasance of the Sales Tax Supported Bonds will enable the Authority to obtain an expected range of 9%-14% in net present value savings on such bonds.
- 3.0 PROCUREMENT BACKGROUND: The Authority secured the services of an outside bond counsel in 2019 for a period of five years and a financial advisor in 2017 for a period of five years. These professionals will assist the Authority with the defeasance of the Sales Tax Supported Bonds.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: The bonds are being defeased within the constraints of the Greater Cleveland Regional Transit Authority's Financial and Debt Policies. The defeasance of the Sales Tax Supported Bonds for net present value savings is contingent upon favorable market conditions.
- 6.0 ECONOMIC IMPACT: Depending on certain market conditions, the defeasance of the Sales Tax Supported Bonds may result in net present value savings of approximately \$11,500,000.00. The amount of debt service savings realized is dependent on market conditions at the time of the defeasance. Unencumbered general funds will be deposited in the Bond Retirement Fund and then transferred to an escrow account to be used for the defeasance of the Sales Tax Supported Bonds and reasonable fees and costs associated with the transaction.
- 7.0 ALTERNATIVES: Rejection of this resolution will prevent the Authority from taking advantage of the current opportunity to defease the Sales Tax Supported Bonds, resulting in the Authority not realizing a possible debt service savings that the defeasance would provide.
- 8.0 RECOMMENDATION: It is recommended that the resolution be adopted to defease the Sales Tax Supported Bonds for the opportunity to lower the Authority's debt service requirements and realize a net present value savings from past debt issuances.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


General Manager, Chief Executive Officer

RESOLUTION NO. 2021-65

RESOLUTION AUTHORIZING THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY TO PROVIDE FOR THE (I) DEFEASANCE OF CERTAIN OUTSTANDING SALES TAX SUPPORTED BONDS INCLUDING (A) SALES TAX SUPPORTED CAPITAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2012, (B) SALES TAX SUPPORTED CAPITAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2015, (C) SALES TAX SUPPORTED CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2016, AND (D) SALES TAX SUPPORTED CAPITAL IMPROVEMENT BONDS, SERIES 2019, FOR A TOTAL AGGREGATE PRINCIPAL AMOUNT OF THE PRIOR BONDS BEING DEFEASED NOT TO EXCEED \$50,000,000, AND WITH THE ESCROW REQUIREMENTS, NOT TO EXCEED A TOTAL AGGREGATE AMOUNT OF \$62,000,000 AND; (II) AUTHORIZING AN ESCROW TRUST AGREEMENT WITH THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.; AND (III) OTHER MATTERS RELATED TO SUCH DEFEASANCE OF THE PRIOR BONDS AS DEFINED BELOW

WHEREAS, at an election held in July, 1975, the electors of the Greater Cleveland Regional Transit Authority (the "Authority") approved a one percent (1.0%) sales and use tax (the "Sales Tax") to be levied by the Authority on all sales of tangible personal property and other transactions subject to sales and use taxes by the State of Ohio (the "State") within the boundaries of the County of Cuyahoga, Ohio (the "County"), which Sales Tax is unlimited in duration but is subject to reduction by a vote of the electors; and

WHEREAS, this Board of Trustees has heretofore determined the necessity of making certain capital improvements to the Authority's transportation system including (i) capital improvements to the University, Mayfield, and Brookpark rail stations and acquiring, constructing, rehabilitating and improving bridges, transit centers, tracks, road stations, buses and bus stops, (ii) rehabilitating Park-N-Rides and (iii) modifying and rehabilitating heavy and light rail systems (collectively, the "Series 2012 Project"); and

WHEREAS, this Board of Trustees has previously authorized and issued \$42,390,000 Greater Cleveland Regional Transit Authority Sales Tax Supported Capital Improvement Bonds, Series 2012, (the "Series 2012 Bonds") dated as of June 7, 2012 for the purpose of financing a portion of the Series 2012 Project; and refunding the Authority's General Obligation (Limited Tax) Capital Improvement and Refunding Bonds, Series 2004 (the "Series 2004 Bonds"), the Secretary-Treasurer of this Authority heretofore certified as to the estimated life of the improvements constituting the Series 2012 Project and the maximum maturity of the Series 2012 Bonds, in connection with the authorizing resolution with respect to the Series 2012 Bonds; and such Series 2012 Bonds are currently outstanding in the principal amount of \$10,500,000; and

WHEREAS, this Board of Trustees has heretofore determined the necessity of making certain capital improvements to the Authority's transportation system including (i) capital improvements to the Brookpark rail station, the Puritas substation, Fairhill substation and the West 65th Street substation and acquiring, constructing, rehabilitating and improving bridges, transit centers, tracks, road stations, buses and bus stops, (ii) equipment acquisition including buses and compressors, (iii) rehabilitating Park-N- Rides and (iv) modifying and rehabilitating heavy and light rail systems (collectively, the "Series 2015 Project"); and

WHEREAS, this Board of Trustees has previously authorized and issued \$51,425,000 Greater Cleveland Regional Transit Authority Sales Tax Supported Capital Improvement and Refunding Bonds, Series 2015, (the "Series 2015 Bonds") dated as of April 16, 2015 for the purpose of financing a portion of the Series 2015 Project and refunding the Authority's General Obligation (Limited Tax) Capital Improvement Bonds, Series 2008A (the "Series 2008A Bonds"), and the Master Tax Exempt Lease/Purchase Agreement dated October 16, 2007, by and between Key Government Finance, Inc. and the Authority, which lease proceeds were issued in the principal amount of \$25,000,000 (the "Series 2007 Lease Obligations") and the Secretary-Treasurer of this Authority heretofore certified as to the estimated life of the improvements constituting the Series 2015 Project and the maximum maturity of the Series 2015 Bonds, in connection with the authorizing resolution with respect to the Series 2015 Bonds; and such Series 2015 Bonds are currently outstanding in the principal amount of \$41,360,000; and

WHEREAS, this Board of Trustees has previously authorized and issued \$15,410,000 Greater Cleveland Regional Transit Authority Sales Tax Supported Capital Improvement Refunding Bonds, Series 2016, (the "Series 2016 Bonds") dated as of May 26, 2016 for the purpose of refunding a portion of the Series 2012 Bonds and such Series 2016 Bonds are currently outstanding in the principal amount of \$15,000,000; and

WHEREAS, this Board of Trustees has heretofore determined the necessity of making certain capital improvements to the Authority's transportation system including (i) capital improvements to Tower City rail station, (ii) acquiring, constructing, rehabilitating and improving bridges, transit centers, tracks, road stations, buses and bus stops, (iii) acquiring railcars, (iv) overhead catenary system and substation upgrades, and (v) modifying and rehabilitating heavy and light rail systems, (collectively, the "Series 2019 Project"); and

WHEREAS, this Board of Trustees has previously authorized and issued \$30,000,000 Greater Cleveland Regional Transit Authority Sales Tax Supported Capital Improvement Bonds, Series 2019, (the "Series 2019 Bonds") dated as of May 7, 2019 for the purpose of financing a portion of the Series 2019 Project and the Secretary-Treasurer of this Authority heretofore certified as to the estimated life of the improvements constituting the Series 2019 Project and the maximum maturity of the Series 2019 Bonds, in connection with the authorizing resolution with respect to the Series 2019 Bonds; and such Series 2019 Bonds are currently outstanding in the principal amount of \$29,095,000; and

WHEREAS, this Board of Trustees desires, if a net present value debt service savings can be obtained, to cash defease with Available Funds (as defined herein) all or a portion of the Series 2012 Bonds, the Series 2015 Bonds, the Series 2016 Bonds and the Series 2019 Bonds (such bonds to be cash defeased are referred to collectively hereinafter as the "Prior Bonds"), which would result in debt service cost savings which will accrue to the benefit of this Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

SECTION 1. That this Board of Trustees has determined that it is necessary to utilize existing unencumbered general funds of the Authority (the "Available Funds") to be deposited into the Bond Retirement Fund and then to the escrow fund(s) as provided in the Escrow Agreement (as defined herein) in order to (i) contribute such funds into a defeasance escrow to defease the Prior Bonds, and ultimately to redeem the Prior Bonds on or about the respective

Redemption Dates, and (ii) pay reasonable fees and costs associated with such defeasance and redemption.

SECTION 2. That the cash defeasance of the Prior Bonds with Available Funds will enable the Authority, in the judgment of the Secretary-Treasurer, based on the written analysis of PFM Financial Advisors LLC, as financial advisor to the Authority (the "Financial Advisor"), to obtain net present value debt service savings with respect to the Prior Bonds, which net present value debt service savings shall meet the Authority's debt policy threshold. The Prior Bonds shall be called for redemption or retired on the date or dates specified in the Escrow Agreement (as defined herein). The President of the Board of Trustees or his designee, the General Manager, CEO, and the Deputy General Manager of Finance/Secretary-Treasurer of this Authority, independently or in conjunction with one another, are hereby authorized to execute those agreements and certificates deemed necessary by bond counsel to effectuate the defeasance and redemption of the Prior Bonds, and to take such other necessary actions in order to comply with the legal requirements of the Internal Revenue Code of 1986, as amended, (the "Code") as well as the Ohio Revised Code, and any other applicable state or federal rules, regulations, I.R.S. rulings/letters/memoranda and/or legal precedent, in order to effectively and efficiently defease and redeem tax-exempt obligations.

SECTION 3. That the President of the Board of Trustees or his designee, the General Manager, CEO, and the Deputy General Manager of Finance/Secretary-Treasurer of this Authority are hereby authorized without further action of this Board of Trustees to execute and deliver (i) an escrow trust agreement (the "Escrow Agreement") with The Bank of New York Mellon Trust Company, N.A. for its services as escrow trustee (the "Escrow Trustee") for the Prior Bonds; and (ii) any additional documents as shall be deemed necessary or appropriate in the carrying out of the transactions authorized by this Resolution or contemplated by the instruments referred to in this Resolution, in each case in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 4. With respect to the funding of any escrow fund(s) necessary or appropriate in connection with the cash defeasance of the Prior Bonds, the General Manager, CEO, and the Deputy General Manager of Finance/Secretary-Treasurer of this Authority are hereby authorized to take any and all appropriate action for the order and purchase, at the appropriate time, of Escrow Securities such as United States Treasury Obligations, State and Local Government Series ("SLGS"), open market treasuries and similar defeasance obligations for the credit of such escrow fund(s) and to execute the Escrow Agreement with the Escrow Trustee in connection with the cash defeasance of such Prior Bonds with Available Funds. Such Escrow Securities may be in the form or forms recommended in writing by the Financial Advisor and Dinsmore & Shohí LLP. The Financial Advisor (or a subsidiary or related entity of the Financial Advisor), is hereby specifically authorized to (i) procure on behalf of the Authority, at the appropriate time, Escrow Securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in the Escrow Agreement, and (ii) execute and file on behalf of the Authority any subscriptions for SLGS, as may be necessary, in order to fund, in part, such escrow fund(s) in connection with the cash defeasance of the Prior Bonds. In addition, the General Manager, CEO and the Deputy General Manager of Finance/Secretary-Treasurer of this Authority are hereby authorized to employ a verification agent with respect to the cash defeasance of the Prior Bonds.

SECTION 5. That it is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code, and in compliance with (H.B.) 197 and (H.B.) 404 which allow public bodies to conduct meetings and hearings virtually/electronically until July 1, 2021.

SECTION 6. That this Resolution shall take effect immediately upon its adoption.

ADOPTED: June 29, 2021

President

ATTEST:

Secretary-Treasurer

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted on the 29th day of June 2021.

Secretary-Treasurer



TITLE/DESCRIPTION: FILING OF GRANT APPLICATIONS WITH THE STATE OF OHIO FOR STATE FISCAL YEAR 2022 FINANCIAL ASSISTANCE	Resolution No.: 2021-66
	Date: June 24, 2021
	Initiator: Finance Division
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This action will allow the Authority to submit grant applications, to enter into funding agreements with, and to accept funds from the State of Ohio for eligible transit projects. This resolution is for the State Fiscal Year 2022 which is July 1, 2021 – June 30, 2022.
- 2.0 DESCRIPTION/JUSTIFICATION: The State of Ohio will make funds available during SFY 2022 under various programs. GCRTA will apply for financial assistance from the State of Ohio for eligible transit projects.

State of Ohio financial assistance programs include, but are not limited to:

ODOT Urban Transit Program (UTP)
ODOT Discretionary Capital Program
ODOT Ohio Transit Partnership Program (OTPP)
ODOT Ohio Environmental Protection Agency (OEPA)
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION / DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: This action is consistent with the policy stated at Section 460.04(d) of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority to take advantage of all available State and Federal Grant programs, including State of Ohio Urban Transit Program grants and Federal Highway Administration Programs, as well as the programs of the Federal Transit Administration.
- 6.0 ECONOMIC IMPACT: Funding available through the State of Ohio may be up to 80%-100% of the total project cost.
- 7.0 ALTERNATIVES: Do not submit grant applications. This would exclude the Authority from utilizing funding available through the State of Ohio to the Cleveland Urbanized Area for transportation improvements.
- 8.0 RECOMMENDATION: It is recommended that the resolution authorizing the filing of applications for financial assistance from the State of Ohio be approved.
- 9.0 ATTACHMENT: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

General Manager, Chief Executive Officer

RESOLUTION NO. 2021-66

AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE STATE OF OHIO FOR STATE FISCAL YEAR 2022 FINANCIAL ASSISTANCE UNDER ALL STATE OF OHIO PROGRAMS

WHEREAS, the State of Ohio, through its State Fiscal Year (SFY) 2022 financial assistance programs, will make funds available to assist public transportation systems in Ohio; and

WHEREAS, the Greater Cleveland Regional Transit Authority is the primary transit operator in Cuyahoga County; and

WHEREAS, the Greater Cleveland Regional Transit Authority is providing transit service and observing all federal and state rules under all State of Ohio programs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

Section 1. That the General Manager, Chief Executive Officer is hereby authorized to file applications, as required, and to execute contracts on behalf of the Greater Cleveland Regional Transit Authority with the State of Ohio for financial assistance (including by transfer of highway funds) under all State of Ohio programs.

Section 2. That the General Manager, Chief Executive Officer is authorized to execute and file such applications, any assurances or any other documentation required by the State of Ohio under the financial assistance programs.

Section 3. That the General Manager, Chief Executive Officer is authorized to furnish such additional information as the State of Ohio may require in connection with these applications.

Section 4. That the General Manager, Chief Executive Officer of the Greater Cleveland Regional Transit Authority is authorized to accept the funds resulting from the State of Ohio financial assistance programs.

Section 5. That, in the absence of the General Manager, Chief Executive Officer the Acting General Manager, Chief Executive Officer of the Greater Cleveland Regional Transit Authority is hereby authorized to perform any and all of the above-described functions.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: REMOVING SECTIONS 648.02 AND 648.03 FROM THE CODIFIED RULES AND REGULATIONS ("CODE") OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, MOVING CHAPTERS 626 AND 627 OF THE CODE TO THE PERSONNEL POLICIES AND AMENDING SECTION 600.03 OF THE PERSONNEL POLICIES TO INCLUDE CHAPTERS 626 AND 627 FROM THE CODE	Resolution No.: 2021-67
	Date: June 24, 2021
	Initiator: Human Resources
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This resolution will remove Sections 648.02 and 648.03 from the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority. It will also move Chapters 626 and 627 from the Code to the Personnel Policies and amend Section 600.03 of the Personnel Policies.
- 2.0 **DESCRIPTION/JUSTIFICATION:** Sections 648.02 "Drug Free Workplace" and 648.03 "Substance Abuse" of the Code are identical to Sections 600.02 and 600.03 of the Personnel Policies. In order to avoid duplication, staff recommends removing Sections 648.02 and 648.03 from the Code and retaining Sections 600.02 and 600.03 in the Personnel Policies. In addition, Chapter 626 "Substance Abuse Policy for Safety Sensitive Employees" and Chapter 627 "Substance Abuse Policy for Non-Safety Sensitive Employees" should be moved from the Code to Section 600.03 of the Personnel Policies.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** Adoption of the resolution will consolidate all of the policies related to the Authority's drug-free workplace and substance abuse in one location in the Personnel Policies.
- 6.0 **ECONOMIC IMPACT:** Does not apply.
- 7.0 **ALTERNATIVES:** Not adopting this resolution. Not adopting this resolution would result in duplicate versions of the policies remaining in various locations.
- 8.0 **RECOMMENDATION:** This resolution was discussed at the June 15, 2021 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.
- 9.0 **ATTACHMENTS:**
 - A. Red-line of proposed amendments to Sections 648.02 and 648.03
 - B. Red-line of proposed amendments to Chapter 626
 - C. Red-line of proposed amendments to Chapter 627
 - D. Red-line of proposed amendments to Personnel Policies Section 600.03

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

J. M. ... Acting
General Manager, Chief Executive Officer

Attachment A to Staff Summary

~~648.02 DRUG FREE WORKPLACE.~~

~~(a) The Drug Free Workplace Act requires that grantees of Federal agencies certify that they will provide a drug free workplace. It applies to all employees within the Authority and contractors engaged in the performance of a grant or a cooperative agreement regardless if the functions are safety sensitive or non safety sensitive in nature. Accordingly, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.~~

~~(b) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace and/or outside GCRTA workplace is required to notify his/her supervisor in writing no later than five working days following his/her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.~~

~~(Res. 2001 119. Passed 8 21 01; Res. 2013 95. Passed 9 17 13.)~~

~~648.03 SUBSTANCE ABUSE.~~

~~(a) It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. Toward that end the GCRTA has two substance abuse policies. One policy is for safety sensitive employees and one is for non-safety sensitive employees.~~

~~(b) For safety sensitive employees the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with FTA requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to specific testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.~~

~~(c) For non safety sensitive employees the policy requires such employees to submit to testing for the presence of drugs and/or alcohol at the time of a post-employment offer physical exam; any work related physical exam; when there is reasonable suspicion; and as a condition of discipline for previous offenses under the policy.~~

~~(d) The Authority encourages participation in the Employee Assistance Program (EAP) for those employees who are plagued by problems associated with drugs or alcohol. Voluntary employee participation is confidential and will not~~

~~adversely affect an employee's employment with the Authority.~~

~~(e) For more information refer to the Substance Abuse Policy for Safety Sensitive Employees and Substance Abuse Policy for Non-Safety Sensitive Employees. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

Attachment B to Staff Summary

~~CHAPTER 626~~

~~Substance Abuse Policy for Safety Sensitive Employees~~

~~EDITOR'S NOTE: This chapter, originally a codification of Resolution 1989 55, passed April 18, 1989, and Resolution 1994 229, passed December 20, 1994, was re-enacted in its entirety by Resolution 1998-24, passed February 17, 1998. Resolution 1998-24 was repealed by implication by Resolution 1999-102, passed July 20, 1999. Resolution 1999-102 was repealed by Resolution 2002-50, passed March 19, 2002, codified herein.~~

~~626.01 Purpose/scope.~~

~~626.02 Reference(s).~~

~~626.03 Objectives.~~

~~626.04 Definitions.~~

~~626.05 Policy application.~~

~~626.06 Circumstances which warrant testing.~~

~~626.07 Specific testing requirements.~~

~~626.08 Types of testing required.~~

~~626.09 Testing protocols.~~

~~626.10 Action to be taken upon receipt of positive test results or refusal to test.~~

~~626.11 Disciplinary consequences of drug use and misuse of alcohol.~~

~~626.12 Responsibility for program administration.~~

~~626.13 Confidentiality of records.~~

~~CROSS REFERENCES~~

~~Safety authority – see 49 U.S.C.A. 1618~~

~~Drug offenses – see Ohio R.C. Ch. 2925~~

~~Controlled substances – see Ohio R.C. Ch. 3719~~

~~Liquor law – see Ohio R.C. Title 43~~

~~Substance abuse policy for non-safety sensitive employees – see PERS. Ch. 627~~

~~626.01 PURPOSE/SCOPE.~~

~~It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to testing for the presence of~~

~~drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.02 REFERENCE(S).~~

~~This policy is written in conjunction with rules and regulations as defined by:~~

- ~~(a) 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule, Federal Register (pp. 79462—79579); December 19, 2000; Federal Register (pp.43946—43964) July 25, 2003.~~
- ~~(b) 49 CFR Part 655; Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, Final Rule, Federal Register (pp. 41996—42036), August 9, 2001.~~
- ~~(c) 49 CFR Part 29, Drug Free Workplace Act of 1998.~~
- ~~(d) FTA Drug and Alcohol Regulation Updates.~~
- ~~(e) GCRTA Employee Performance Code.~~
- ~~(f) Federally mandated laboratory testing limits (Addendum D). (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.03 OBJECTIVES.~~

~~The objectives of this policy are:~~

- ~~(a) To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.~~
- ~~(b) To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.~~
- ~~(c) To clearly and concisely outline the procedures required to comply with the federal regulations.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.04 DEFINITIONS.~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

- ~~(a) "Accident" means an occurrence associated with the operation of a vehicle, if as a result:
 - ~~(1) An individual dies;~~
 - ~~(2) One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident;~~
 - ~~(3) An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from~~~~

- the scene by a tow truck or other vehicle; or
- (4) ~~An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.~~
- (b) ~~"Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.~~
- (c) ~~"Cancelled test" is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.~~
- (d) ~~"Contractor" means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.~~
- (e) ~~"Covered employee" means a person, including an applicant or transferee, who performs a safety sensitive function. A volunteer is considered a covered employee if required to hold a commercial driver's license to operate a vehicle or to perform a safety sensitive function with the expectation of receiving some type of in kind or tangible benefit.~~
- (f) ~~"Dilute specimen" has creatinine and specific gravity values that are lower than expected for human urine.~~
- (g) ~~"Disabling damage" is defined as "damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair". This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.~~
- (h) ~~"Evidential Breath Testing (EBT) device" is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.~~
- (i) ~~"Intoxicant" includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term "intoxicant" also includes any other substance that alters one's senses or could affect one's ability to function in his/her job.~~
- (j) ~~"Invalid drug test" refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.~~
- (k) ~~"Medical Review Officer" (MRO) is a licensed physician responsible~~

~~for receiving laboratory results generated by an employer's drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A.)~~

- ~~(l) "Safety sensitive employee" is one who is required to perform safety sensitive functions based on specific job criteria:
 - ~~(1) Operates a revenue service vehicle (in or out of service);~~
 - ~~(2) Operates a non-revenue service vehicle requiring a commercial drivers license;~~
 - ~~(3) Controls dispatch or movement of a revenue service vehicle;~~
 - ~~(4) Maintains a revenue service vehicle or maintains equipment used in revenue service; or~~
 - ~~(5) Carries a firearm for security purposes.~~~~
- ~~(m) "Substance Abuse Professional (SAP)" is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A.)~~
- ~~(n) "Substituted specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.~~
- ~~(o) "Verified test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.05 POLICY APPLICATION.~~

~~(a) This policy applies to all employees who are incumbents in safety sensitive positions, and to all applicants or employees who may apply for or who may transfer to a safety sensitive position.~~

~~(b) The Human Resources Department maintains a list of safety sensitive~~

classifications. This list is updated as required when classifications are added or eliminated. (See Addendum B for a list of safety sensitive classifications.)
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

~~626.06 CIRCUMSTANCES WHICH WARRANT TESTING.~~

~~According to the FTA regulations, all safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required).~~

~~(a) FTA requires drug and alcohol testing to be performed under the following circumstances:~~

- ~~(1) Employment drug testing or prior to the transfer of any employee from a non-safety sensitive position to a safety sensitive position;~~
- ~~(2) When there is a "reasonable suspicion" of employee drug/alcohol use;~~
- ~~(3) When an employee is involved in a fatal or non-fatal accident under FTA criteria; as described in Section 626.08(d) of this Policy;~~
- ~~(4) When an employee is selected for random testing;~~
- ~~(5) Following the successful completion of a SAP determined rehabilitation program for return to duty testing (see policy Section 626.08(e));~~
- ~~(6) When an employee is subject to follow-up testing as specified by a SAP (see policy Section 626.08(e)).~~

~~(b) GCRTA will require testing under the following circumstances:~~

- ~~(1) Drug and alcohol testing as a condition of discipline due to previous offense under this Policy;~~
- ~~(2) Drug and alcohol testing when an employee is involved in a non-fatal accident not covered under FTA testing requirements but meets GCRTA criteria as described in Section 626.08(d) of this policy.~~
- ~~(3) Drug testing at the time of, or during a work related physical examination such as a biennial physical.~~

~~(c) Pre-Duty Use of Alcohol. All covered employees are prohibited from using alcohol within four hours prior to performing safety sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within four hours of performing a safety sensitive function shall permit the employee to perform or continue to perform safety sensitive functions. Documentation for reasonable suspicion for alcohol misuse should be completed and testing performed based on the information obtained.~~

- ~~(1) An unscheduled employee who is called to report to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.~~
- ~~(2) If the unscheduled employee acknowledges the use of alcohol, but claims ability to perform a safety sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.~~

- ~~(d) On Call Employees. The consumption of alcohol is prohibited for covered employees during his or her specified on call hours.~~
- ~~(e) On Duty Use of Alcohol. All covered employees are prohibited from using alcohol while performing safety sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety sensitive functions.~~
- ~~(f) Covered employees with an alcohol concentration of 0.02 or greater are prohibited from reporting for duty to perform a safety sensitive function or remaining on duty while performing a safety sensitive function.~~
- ~~(g) The consumption of marijuana, cocaine, amphetamines, opiates and phencyclidine is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.07 SPECIFIC TESTING REQUIREMENTS.~~

~~(a) Federal drug and alcohol testing must be conducted completely separately from non-Federal testing. Further, Federal testing will take priority over the non-Federal collection process.~~

~~(b) No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.~~

~~(c) GCRTA will perform specific drug and alcohol testing that is based on non-related DOT criteria.~~

~~(d) A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.~~

~~(e) DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will not be used when testing is requested under GCRTA authority.~~

~~(f) Each employee tested under Federal or GCRTA requirements will be notified of the purpose for the testing and under whose authority the test is being conducted. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.08 TYPES OF TESTING REQUIRED.~~

~~(a) Employment or Pre-Placement Testing. The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non safety sensitive position to a safety sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined 49 CFR part 40 and will direct applicants/transferring employees to have drug testing after~~

~~a contingent offer of employment or transfer. A covered employee, including an applicant, may not perform a safety sensitive function until employment drug testing is administered with verified negative results.~~

- ~~(1) Human Resources will investigate drug and alcohol testing records of all applicants for safety sensitive positions and employees intending to transfer to safety sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.~~
- ~~(2) When a covered employee or applicant has previously failed employment drug or alcohol testing, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.~~
- ~~(3) An employee may not transfer to a safety sensitive position from a non safety sensitive position until employment drug testing is administered with verified negative results.~~
- ~~(4) In the event a drug test is considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug test with verified negative results before starting a safety sensitive position.~~
- ~~(5) Applicants who have not been placed in a safety sensitive position within ninety consecutive calendar days of their initial employment testing will be required to retake the drug test and have verified negative results before starting a safety sensitive position.~~
- ~~(6) Employment testing will also be performed whenever a covered employee has not performed a safety sensitive function for ninety consecutive calendar days regardless of the reason and has not been in the random selection pool during that time. The employee may resume safety sensitive duties after a verified negative drug result.~~

~~(b) Random Testing. The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.~~

- ~~(1) All safety sensitive employees are required to participate in the random testing program for drugs and alcohol. The GCRTA will test safety sensitive employees in accordance with FTA regulated percentages. (See Addendum C of this Policy.)~~
- ~~(2) Random testing is required by FTA to be conducted during all time periods when safety sensitive functions are performed and shall be unannounced and unpredictable. Since GCRTA operates twenty-four hours a day, seven days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.~~

- ~~(3) A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety sensitive functions; just before the employee is to perform safety sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.~~
- ~~(4) GCRTA utilizes a random selection process that is performed in two steps. Step one is performed by GCRTA's contracted medical provider who receives the average number of safety sensitive employees in the random pool and generates a list of random numbers using a computer based random number generator program. Step two is performed by GCRTA's Occupational Health who enters the selected numbers into a computer based random selection program. GCRTA's random computer program assures that each employee is assigned a different random number each day in the selection period. Thus, each covered employee shall have an equal chance of being tested every day random testing is performed. To assure that the random program is protected from unofficial entry, the computer program has limited access to key personnel at each district and only department specific information is available to those persons. To maintain confidentiality and assure the integrity of the random program, access to all other computer information and data is limited to Occupational Health personnel only.~~
- ~~(5) As required by FTA regulation the random notification and testing process occurs throughout the workday and throughout the selection period. GCRTA's random testing number selection is made once a week and entered into the computer every Friday. Authorized personnel may access the Random Testing Program daily to ascertain the employee(s) from their area that have been selected for random testing for the day.~~
- ~~(6) If the employee is available for testing during their work shift, the safety sensitive employee will be informed that he or she has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety sensitive function and will be immediately transported for testing. It is the policy of GCRTA to transport the employee to the collection site. Once testing is completed, the employee may be required to utilize public transportation to return to their assigned district. The employee will follow the procedures established by his or her district whenever this method of return to work is required. Instances of employees violating the established procedures will be investigated and disciplinary action may be taken.~~

- ~~(7) When an employee is not available for random testing on the day of selection, the employee should be tested during their next available shift as long as the test can be performed within the selection week (i.e.: Saturday through Friday).~~
- ~~(8) Every effort will be made to test the individual that has been selected within the selection week. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. In the event an employee is selected who is on long term absence or is on vacation during the selection week, Occupational Health will be notified and a replacement number may be selected.~~

~~(c) Reasonable Suspicion Testing. The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of safety sensitive functions.~~

- ~~(1) Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.~~
- ~~(2) The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.~~
- ~~(3) The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.~~
- ~~(4) Alcohol testing must be based on observations and documented as noted in division (c)(3) of this section and testing shall be performed only if the observations were made while the covered employee was performing safety sensitive functions, just before the employee was to perform safety sensitive functions or just after the employee had ceased performing such functions.~~
- ~~(5) If alcohol testing is not performed within two hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be maintained in Occupational Health. If a test is not administered within eight hours following the determination to test, GCRTA will cease attempts to administer the test and a statement will be added to the reasonable suspicion document explaining why testing could not be conducted within eight hours.~~

~~(d) Post Accident Testing. The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post accident testing is mandatory where there is a loss of life and for some non fatal accidents. In the event of a non fatal accident, according to the FTA, the burden rests with the Authority to prove that an employee did not contribute to the accident and therefore can be dismissed from testing. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.~~

- ~~(1) In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing. In addition, all other covered employees whose performance may have contributed to the accident, as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.~~
- ~~(2) In the event of a non fatal accident, FTA drug and alcohol testing is required when one or more individuals suffer bodily injury and immediately receive medical treatment away from the scene of the accident; when a bus, paratransit vehicle or any vehicle involved receives disabling damage; or a rail car is removed from service for disabling damage. All covered employees operating or on duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by the Authority as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.~~
- ~~(3) The decision to not administer a drug and/or alcohol test under FTA guidelines shall be based on the investigating person's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision making process used to reach the decision not to test.~~
- ~~(4) The FTA specifically requires that post accident testing be administered as soon as practicable following the accident. Every attempt should be made to complete alcohol testing within two hours of the accident. When it is not possible to perform testing within the two hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight hours, the supervisor will cease attempting and update the two hour report. Alcohol use is prohibited by any covered employee~~

~~required to take a post accident alcohol test for eight hours or until alcohol testing is performed, whichever occurs first after the occurrence.~~

- ~~(5) The drug testing time limit is a maximum of thirty two hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit. Testing time limits for drug and alcohol collection apply to FTA and to GCRTA post accident testing.~~
- ~~(6) A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.~~
- ~~(7) The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.~~
- ~~(8) The Authority may use the post accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by GCRTA. Such test results may be used only when GCRTA is unable to perform a post accident test within the required period noted in 49 CFR Part 655.44(a) and (b).~~
- ~~(9) If FTA post accident testing criteria is not applicable, GCRTA will perform non DOT post accident drug and alcohol testing. Testing will occur when there has been property damage that requires repair or personal injury that is evident at the time of the occurrence, unless the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the decision.~~
- ~~(10) FTA mandated testing takes precedence over GCRTA required testing. The criteria to perform FTA post accident testing will be satisfied before consideration is given to utilize GCRTA criteria. When post accident testing is required based on GCRTA criteria, the collection site will use only non Federal drug and alcohol testing custody and control forms.~~

~~(e) Return to Duty Testing. The purpose of return to duty testing is to provide a degree of assurance that a safety sensitive employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse.~~

- ~~(1) According to FTA regulations, whenever any of the following has occurred, the employee must first be evaluated by the Substance~~

~~Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment in a safety sensitive classification meeting the following criteria:~~

~~A. Has had verified positive drug test result;~~

~~B. Has had a breath alcohol concentration (BAC) of 0.04 or greater;~~

~~or~~

~~C. Has been involved in any other activity that violates the regulations including refusal to submit to testing.~~

- ~~(2) Return to duty testing cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety sensitive duties.~~
- ~~(3) Follow-up testing will be performed when an employee returns to work as described in division (e)(1) of this section. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP. Under GCRTA policy, an employee testing positive for any prohibited substance within three years of the original positive test will result in discharge.~~
- ~~(4) The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six follow-up tests in the first twelve months following the employee's return to safety sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to sixty months after return to work. The SAP, following completion of the mandatory requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.~~
- ~~(5) Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety sensitive functions. Further, the requirements of the SAP's follow-up testing plan "follow the employee" to subsequent employers or through breaks in service.~~
- ~~(6) A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.09 TESTING PROTOCOLS.~~

~~(a) Alcohol Testing. Breath alcohol testing will be conducted on safety sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, print the manufacturer's name for the device, the device's serial number and the time of the test.~~

- ~~(1) The EBT must have a manufacturer developed quality assurance plan approved by NHSTA that includes the following requirements:
 - ~~A. A designated method to be used to perform external calibration checks of the device;~~
 - ~~B. A specified minimum interval for performing external calibration checks of the device;~~
 - ~~C. A specified tolerance on an external calibration check; and~~
 - ~~D. A specified inspection, maintenance and calibration requirement.~~~~
- ~~(2) GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one site. The Breath Alcohol Technician (BAT), will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by 49 CFR Part 40, Subpart J. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.~~
- ~~(3) With the exception of post accident testing, the testing for alcohol is only permissible just before an employee performs safety sensitive duties, during that performance or just after an employee has performed covered duties. FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.~~
- ~~(4) The alcohol testing procedure is outlined in Addendum F.~~

~~(b) Drug Tests. Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opiates, phenylidone and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. In the event these optional tests are to be performed, they will be performed separately from FTA~~

~~required testing under GCRTA authority and with non federal testing forms. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.~~

- ~~(1) The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A.) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.~~
- ~~(2) Under separate contract, specific collection sites are available throughout the Greater Cleveland area that meet DOT 49 CFR Part 40 requirements, are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.~~
- ~~(3) Collection procedure requires that only Federal drug testing custody and control forms be used for DOT mandated test and non federal urine custody forms for GCRTA defined testing. Drug testing performed under GCRTA authority will be for the same five drugs as defined by DOT in 49 CFR Part 40.~~
- ~~(4) Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E.) In order to protect the security and integrity of the urine collection each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Occupational Health on a routine basis to assure integrity of the testing process.~~
- ~~(5) GCRTA has the right to test for drugs other than those mandated by FTA/DOT (ex: marijuana, cocaine, amphetamines, opiates and phenylelidine). In the event the GCRTA chooses to test for other drugs, the test must be performed separately from the FTA testing and the FTA test must be performed first. Separate urine specimens must be obtained from the employee and separate custody and control forms must be processed. A standardized Federal drug testing custody and control form cannot be used. Employees must be notified whether they are being tested under the FTA required program or~~

the GCRTA program.

~~(c) Medical Review Officer. In accordance with FTA regulations, when a test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO).~~

- ~~(1) The Medical Review Officer will interpret the employee's confirmed positive test by the following method:
 - A. Review the individual's medical history;
 - B. Afford the employee an opportunity to discuss the test result;
 - C. Decide whether there is legitimate medical explanation for the result;
 - D. Inform the employee that he or she has seventy two hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays;
 - E. Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request;
 - F. Inform the employee that if the request is made within this seventy two hour timeframe that GCRTA will ensure that the testing will occur;
 - G. Inform the employee that the cost of the testing is not required to be paid by the employee but GCRTA may request reimbursement;
 - H. Inform the employee that additional test of the specimen (e.g.: DNA testing) are not authorized; and
 - I. If split sample testing has been requested, inform the employee to contact Occupational Health at (216) 566 5106 to complete the necessary paperwork for split sample testing to be performed.~~
- ~~(2) Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum A.)~~

~~(d) Observed Collection Procedure. Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:~~

- ~~(1) The collector identifies an attempt to alter a specimen has occurred;~~
- ~~(2) The collector identifies an attempt to tamper with a specimen;~~
- ~~(3) A specimen is reported as invalid because there is no adequate medical explanation for the result;~~
- ~~(4) When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; and~~

~~(5) The temperature of the specimen falls out of the range of 90–100° F.~~

~~(e) Dilute Specimen Procedure: When informed by the MRO that positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. However, when informed by the MRO that a negative test was dilute, the following action will be taken:~~

- ~~(1) Recollection will be performed immediately under direct observation if the MRO verifies that the specimen was considered "substituted".~~
- ~~(2) If the specimen is dilute, but not "substituted", recollection will be performed immediately. Unless specified by the MRO or other behaviors have been observed as noted in division (d) of this policy, recollections will NOT be observed.~~

~~(f) GCRTA Observed Collection Procedure. Observed collection may be performed under GCRTA requirements when the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FTA regulation as a return to duty or SAP follow-up test.~~

~~(g) Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.10 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE- TEST RESULTS OR REFUSAL TO TEST.~~

~~Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.04 or greater.~~

- ~~(a) When positive drug results are received from the MRO, Occupational Health will immediately notify authorized supervisors. The covered employee will be immediately removed from the safety sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.~~
- ~~(b) When a positive alcohol result of 0.04 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.~~
- ~~(c) If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety sensitive~~

~~position and appropriate disciplinary action will be implemented as outlined by this policy.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.11 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL.~~

~~Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer. Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.~~

- ~~(a) GCRTA requires of all employees to be free of drugs and alcohol when performing a safety sensitive function. FTA requires that any safety sensitive employee with a verified positive drug test; a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be immediately removed from performing all safety sensitive functions and must be evaluated by a Substance Abuse Professional (SAP).~~
- ~~(b) Disciplinary Consequences For Positive Alcohol. When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:~~

- | | |
|--|--|
| <ul style="list-style-type: none">(1) Probationary Employee(2) Non-Probationary Employee:<ul style="list-style-type: none">A. BAC of 0.08 or greaterB. BAC of 0.04 – 0.079 | <p>Immediate Discharge</p> <p><u>First Offense: Immediate Discharge</u>
The FTA regulations prohibit an employee with an alcohol concentration of 0.04 or greater to perform a safety sensitive duty until she or he has been evaluated by a SAP and has passed a return to duty test.
<u>First Offense</u> will result in a thirty calendar day conditional suspension with referral to SAP. The employee must participate in the program prescribed by the SAP and must undergo a follow up test and test less than 0.02 prior to returning to a safety sensitive function. The failure to comply with the SAP's treatment will result in discharge. Return to work drug/alcohol testing must reveal negative results. Should the employee test 0.02 or more on the return to work test, the employee will</p> |
|--|--|

~~be subject to discipline, up to and including discharge.~~

~~Second Offense Within Three Years:
Discharge~~

~~C. BAC of 0.02 — 0.039~~

~~In the event that an employee has a breath alcohol concentration of 0.02 or greater but less than 0.04 and the employee is required to return to a safety sensitive position before eight hours, FTA requires breath alcohol re-testing. The breath alcohol concentration must be less than 0.02 before the employee may perform a safety sensitive function.~~

~~However, in the event the employee is not required to return to a safety sensitive position before eight hours, the following GCRTA policy will be followed:~~

~~C. BAC of 0.02 — 0.039
(Cont.)~~

~~Immediately remove the employee from the safety sensitive position for eight hours. When an employee has been removed from a safety sensitive position for at least eight hours after a BAC of 0.02 or greater, but less than 0.04, the employee will be required to undergo a second test with a result below 0.02 BAC prior to being permitted to return to performing their safety sensitive function.~~

~~Should the employee again test 0.02 or greater but less than 0.04 BAC, the employee will be referred for SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority with a test level less than 0.02 BAC prior to being returned~~

~~to a safety sensitive function. Failure to comply with the SAP's recommended treatment program will result in discharge.~~

~~Should the employee again fail to test less than 0.02 BAC, the employee will be subject to discipline up to and including discharge.~~

~~Second Offense Within A Three Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in a thirty day conditional suspension and SAP referral. The employee must participate in the program prescribed by the SAP and must undergo a follow up test under GCRTA testing authority and test less than 0.02 BAC prior to returning to a safety sensitive function. The failure to comply with the SAP's treatment will result in discharge.~~

~~C. BAC of 0.02—0.039
(Cont.)~~

~~Third Offense Within A Three Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in discharge.~~

~~D. BAC of 0.02 or less~~

~~Any breath alcohol concentration value less than 0.02 is considered a negative test result.~~

~~The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.~~

~~(e) Disciplinary Consequences For Positive Marijuana Related Substances.~~

~~(1) Job Applicants ————— Not Hired~~

~~(2) Probationary Employee ————— Immediate Discharge~~

~~(3) Non Probationary Employee — First Offense will result in a thirty~~

~~calendar — day — conditional suspension; SAP referral; EAP participation and completion of follow-up treatment; return to work drug/alcohol testing with negative results. In no event will an employee be eligible to return to work less than thirty days after the failed test.~~

~~Failure to meet the above conditions other than failure of a return to work test, the employee is subject to immediate discharge. In the event that an employee tests positive for marijuana in a return to work test, he or she shall be conditionally suspended for an additional thirty calendar days subject to the conditions set forth above. In the event the employee fails his or her second return to work drug test, he or she shall be immediately discharged.~~

~~Second — Offense: — Immediate discharge within three year period following first offense.~~

~~(d) Disciplinary Consequences for Prohibited Drugs (not including marijuana or prescription drugs). Prohibited drugs are cocaine, opiates, phenylelidine and amphetamines, and the following applies:~~

- | | |
|---|--|
| (1) Job Applicants | Not Hired |
| (2) Probationary/Non-Probationary Employee | Immediate discharge for random, reasonable suspicion, post accident, follow-up and pre-placement exams/testing. |
| (3) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result. | |

~~(e) Disciplinary Consequences For Prescription Drugs. In accordance with GCRTA requirements, the following applies:~~

~~(1) Job Applicants~~

~~When the applicant tests positive for a prescription drug which may affect his or her ability to perform the applicant's proposed job duties, he or she will not be considered for employment unless Personnel Services has received the following information prior to testing:~~

~~Notification of the use of the prescription drug;~~

~~A doctor's letter indicating the applicant's ability to perform his or her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.~~

~~(2) Probation/Non-Probationary Employee~~

~~When an employee tests positive for a prescription drug which may affect his or her ability to perform the employee's job duties, he or she will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his or her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.~~

~~Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.~~

~~(f) Disciplinary Consequences For Testing Positive For Any Intoxicant During A Work Related Physical Examination (biennial, return-to-work, etc.) will be as follows:~~

- ~~(1) First Offense: The employee will be conditionally suspended for thirty calendar days. An employee suspended under this section will be referred to the SAP and must participate and complete in follow-up treatment as prescribed by the SAP. Failure to comply with the SAP's treatment will result in discharge.~~
- ~~(2) Second Offense: Immediate Discharge~~
- ~~(3) In no event will an employee be eligible to return to work less than thirty calendar days after the failed work related physical examination test. Furthermore, following completion of treatment prescribed by the SAP, the employee shall be required to submit to a physical examination and drug testing prior to returning to work and participate in follow-up treatment prescribed by the SAP. The Authority also reserves the right to subject the employee to unannounced drug testing in addition to regular random testing stated herein, as prescribed by the SAP following the employee's return to work. In accordance with the agreement between ATU Local 268 and GCRTA on July 17, 1997, employees covered by ATU will be required to pay all costs for each unannounced drug/alcohol test. An employee who fails to meet any of the conditions set forth above is subject to immediate discharge.~~

~~(g) Disciplinary Consequences For A Commercial Driver's Licenses Suspension Due To A DUI Conviction. In cases of suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven calendar days of the suspension and provide proof of contact to his or her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Policy set out in Section 648.08.)~~

~~(h) Other Disciplinary Consequences:~~

- ~~(1) The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property.~~

Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

- ~~(2) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his or her supervisor no later than five working days following his or her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.~~
- ~~(3) As noted in 49 CFR Part 40 Subpart I the following behavior constitutes a refusal to submit to drug and alcohol testing:
 - ~~A. Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign Federal drug testing forms or failure to sign the certification at Step 2 of alcohol testing form;~~
 - ~~B. Any employee who refuses to submit to a direct observation collection;~~
 - ~~C. Refusal by an employee to submit to a second test when requested by the Authority or the collector;~~
 - ~~D. Failure of the employee to remain at the testing site until collection is complete;~~
 - ~~E. Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of three hours and up to forty ounces of water;~~
 - ~~F. Any employee who has a verified adulterated or substituted drug test result;~~
 - ~~G. Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or GCRTA;~~
 - ~~H. Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;~~
 - ~~I. Refusal to provide urine specimen by an employee who normally voids by utilization of self catheterization but declines to do so;~~
 - ~~J. Any employee whose conduct prevents the completion of required drug and/or alcohol test;~~
 - ~~K. Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc. in a secured location prior to obtaining a specimen;~~
 - ~~L. Any employee who does not report to the collection site in the allotted time;~~
 - ~~M. Any employee who is not readily available for post accident~~~~

testing; or

~~N. Any employee who leaves the scene of an accident without proper authorization.~~

~~All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.~~

~~(4) Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.~~

~~(5) Recognizing that approaching a co worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co worker which only "enables" the employee to continue the problem. Coworkers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.12 RESPONSIBILITY FOR PROGRAM ADMINISTRATION.~~

~~(a) The Drug and Alcohol Program is administered by the Manager, Occupational Health Services and is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A.)~~

~~(b) Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~626.13 CONFIDENTIALITY OF RECORDS.~~

~~Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Occupational Health provided that the employee has a picture identification. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

~~Dr. Thomas N. Markham, M.D., M.P.H.
East Side Occupational Health Center
4450 St. Clair Avenue
Cleveland, Ohio 44103
(216) 431-0927~~

Substance Abuse Professional (SAP)

~~Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44119
(216) 404-1900~~

Laboratory Drug Testing

~~Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917~~

GCRTA Drug & Alcohol Program Administration

~~Rhonda C. Branche
Manager, Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 566-5106~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum B-
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
CRT Operator	137	1
Hostler - Part Time	147	2
Laborer	152	2
Community Circulator Operator	188	1
Community Circulator Operator (part time)	189	1
Vehicle Servicer	346	2
Hostler	347	2
Laborer	352	2
Maintenance Helper only those with RTA required CDLs	358	2
Operator- Full Time	437	1
Operator - Part Time	438	1
Transit Police Officer - Full Time	440	5
Equipment Servicer	442	2
Body Mechanic	446	2
Equipment Mechanic excludes sign shop personnel	447	2
Signal Maintainer	450	2
Track Maintainer	452	2
Line Maintainer	453	4
Maintainer only those with RTA required CDLs	458	2
Assistant Operating Instructor	511	1
Rail Equipment Body Mechanic	521	2
Rail Equipment Electrician	522	2
Rail Equipment Mechanic	523	2
Rail Brake Mechanic	524	2
Rail Machinist	525	2
Machinist	526	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Automotive Brake Mechanic	528	2
Rail Operations Supervisor	532	3
Heating/Air Conditioning Mechanic	535	2
Transit Police Sergeant	540	5
Equipment Body Mechanic excludes sign shop personnel	541	2
Equipment Electrical Unit Mechanic	542	2
Equipment Electrician	543	2
Equipment Mechanic	545	2
Maintenance Technician only those with RTA required CDLs	548	2
Maintenance Leader only those with RTA required CDLs	549	2
Signal Maintenance Technician	550	2
Special Equipment Operator/Mechanic	552	2
Rail Air Conditioning Mechanic	553	2
CRT Group Leader	554	2
CRT Dispatcher	557	3
Motor Repair Leader	567	2
Supervisor of Police - Part Time	570	5
Dispatcher	573	3
Service Quality Supervisor	574	3
Operations Instructor	611	1
Vehicle Maintenance Instructor	612	2
Assistant Supervisor, Rail Shop	623	2
Electronic Technician	624	2
Zone Supervisor	634	4
Tower Control Supervisor	635	3
Coach Inspector	638	2
Assistant Section Leader	645	2

**Addendum B (Cont.)
Safety Sensitive Positions**

Job Title	Job Classification	FTA Criteria
Crow Chief	646	2
Assistant Equipment Supervisor	647	2
Assistant Maintenance Supervisor	649	2
Signal Technician	650	2
Lead Signal Technician	651	2
Assistant Track Supervisor	652	2
Line Maintainer	653	4
Special Equipment Operator/Mechanic Leader	654	2
CRT Road Supervisor	658	4
Transit Police Lieutenant	1060	5
Assistant Superintendent, CRT Equipment	1069	2
Load Dispatcher	1137	3
Transportation Training Specialist	1141	1
Supervisor – Radio Control	1147	3
Supervisor – Power	1233	2
Supervisor – Signals	1234	2
Supervisor – Overhead	1239	2
Training Specialist – Maintenance	1242	2
Transit Police Commander	1248	5
Supervisor – Rail Traffic	1249	3
Rapid Transit Shop Supervisor	1252	4
Section Supervisor	1258	4
Supervisor – Traffic	1259	2
Supervisor, Electrical Maintenance	1265	2
Supervisor, Track	1273	4
Director of Security/Chief of Police	1511	5
Supervisor, CBM (non exempt)	1951	2
Supervisor, Rail Shop (non exempt)	1953	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Supervisor, Maintenance (non-exempt)	1954	2
Supervisor, Bus (non-exempt)	1955	2
Supervisor, Signals (non-exempt)	1956	2
Supervisor, Power (non-exempt)	1957	2
Student Driver Trainee	9909	1

FTA Criteria Utilized to Identify a Safety Sensitive Function as Noted in Column 3 of this Addendum:

1. ~~Operates a revenue service vehicle in or out of service;~~
2. ~~Operates a non-revenue vehicle requiring a CDL;~~
3. ~~Controls dispatch or movement of a revenue service vehicle;~~
4. ~~Maintains a revenue service vehicle or maintains equipment used in revenue service;~~
5. ~~Carries a firearm for security purposes.~~

~~Supervisory staff who perform the above functions are also classified as Safety Sensitive.~~

~~Job classifications 447 and 541 include Sign Shop personnel. Sign Shop personnel who perform graphic identification and decal functions but perform no actual mechanical work on the body, interior or components of the coach are exempt as Safety Sensitive. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

~~Addendum C~~
~~Random Testing Rates~~

~~Random testing rates are determined each year through Federal/State legislation. The current random drug and alcohol testing rates are as follows:~~

~~At least 25% of the total number of safety sensitive employees will be drug tested.~~

~~At least 10% of the total number of safety sensitive employees will be alcohol tested.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum D
Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
1. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
2. Cocaine Metabolites (Benzoylcegonine)	300 ng/ml	150 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines a. Amphetamine b. Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (Specimen must also contain amphetamine at a concentration :: 200 ng/ml)
5. Opiate Metabolites a. Codeine b. Morphine c. 6 acetylmorphine	2000 ng/ml	2000 ng/ml 2000 ng/ml 10 ng/ml (Test for 6 AM conducted only when specimen contains morphine at a concentration :: _____ ng/ml)

Reference: ~~49 CFR Part 40, § 40.87, Federal Register, December 19, 2000
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum E
Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure, however, any technical interpretation will be based on the actual regulation.

1. ~~The testing process will begin upon entry to the collection site without undue delay.~~
2. ~~If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.~~
3. ~~Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.~~
4. ~~The collection process will be explained to the employee.~~
5. ~~The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.~~
6. ~~Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.~~
7. ~~The employee will then be instructed to wash and dry his or her hands.~~
8. ~~The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.~~
9. ~~The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three hours to provide a specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three hour period begins and when it will end. The three hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.~~
10. ~~The temperature of the specimen will be obtained within four minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.~~
11. ~~The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.~~

- ~~12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels.~~
- ~~13. The custody and control form will be completed with the appropriate signatures, social security number, birth date and current date.~~
- ~~14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.~~

~~Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically § 40.193 and § 40.195. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.~~

- ~~1. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.~~
- ~~2. The collection procedure will be discontinued and documented on the custody and control form. The collector must notify Occupational Health and the MRO within twenty-four hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the custody and control form with the documentation within the twenty-four hour period.~~
- ~~3. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.~~
- ~~4. The employee will be placed on administrative leave pending medical results.~~
- ~~5. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.~~
- ~~6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.~~
- ~~7. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.~~

~~(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Addendum F
Breath Alcohol Collection Process

~~Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.~~

- ~~1. The testing process will begin upon entry to the collection site without undue delay.~~
- ~~2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.~~
- ~~3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.~~
- ~~4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.~~
- ~~5. The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.~~
- ~~6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.~~
- ~~7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung".~~
- ~~8. After successful completion of the testing, the employee will be shown the results.~~
- ~~9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.~~
- ~~10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least fifteen minutes, but not more than thirty minutes, after the completion of the initial test.~~
- ~~11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will~~

document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.

- ~~12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.~~
- ~~13. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.~~
- ~~14. The BAT will immediately notify Occupational Health of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.~~
- ~~15. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.~~

~~Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically § 40.265. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.~~

- ~~1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "Remarks" line of the Alcohol Testing Form and immediately notify Occupational Health.~~
- ~~2. The BAT will direct the employee to continue to attempt to complete the breath alcohol test by utilizing a manual testing method for up to fifteen minutes from the time of the last failed attempt. If GCRTA's designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within five days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.~~
- ~~3. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, additional alcohol testing may be performed under GCRTA authority. The employee will be permitted to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. This testing will be performed under GCRTA's authority and as non-DOT testing utilizing non-DOT forms. However, standard chain of~~

eustody procedures will be carried out throughout the process. The blood will be drawn with sixty minutes of the initial unsuccessful EBT test so as to provide valid results regarding employee's use of alcohol at the time of the unsuccessful EBT test. The shy lung evaluation required under DOT requirements is in no way impacted by the results of the blood alcohol test. Any actions related to the results of the blood alcohol test are taken under GCRTA authority and do not apply to the results of the shy lung evaluation conducted according to 49 CFR Part 40 testing requirements.

4. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition, which precludes the EBT test, the employee will be evaluated by a Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty four hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP's recommendations.
5. If the blood test conducted under GCRTA authority is negative and the pulmonary assessment reveals an acceptable medical condition that explains the employee's inability to provide an adequate amount of breath for the EBT test, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.
6. If the pulmonary assessment does not reveal a medical condition to explain the inability of the employee to provide adequate breath for the EBT test, this is considered a positive test under DOT/FTA requirements.
7. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

(Res. 2007-128. Passed 8-21-07.)

Addendum G
Life Consequences of Drug Abuse and Alcohol Misuse

~~Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone, however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:~~

~~Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.~~

~~Mood: Constant depression or anxiety, irritability, suspicion and mood swings.~~

~~Actions: Argumentative, excessive sense of self importance, avoids talking.~~

~~Absenteeism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.~~

~~Accidents: Takes needless risks, disregards safety of others, higher than average accident rate.~~

~~Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.~~

~~Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.~~

~~The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect coworkers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)~~

Attachment C to Staff Summary

~~CHAPTER 627~~

~~Substance Abuse Policy for Non-Safety Sensitive Employees~~

- ~~627.01 Purpose/scope.~~
- ~~627.02 Reference(s).~~
- ~~627.03 Objectives.~~
- ~~627.04 Definitions.~~
- ~~627.05 Policy application.~~
- ~~627.06 Circumstances which warrant testing.~~
- ~~627.07 Specific testing requirements.~~
- ~~627.08 Types of testing required.~~
- ~~627.09 Testing protocol.~~
- ~~627.10 Action to be taken upon receipt of positive test results or refusal to test.~~
- ~~627.11 Disciplinary consequences of drug use and misuse of alcohol.~~
- ~~627.12 Responsibility for program administration.~~
- ~~627.13 Confidentiality of records.~~

~~CROSS REFERENCES~~

- ~~Safety authority — see 49 U.S.C.A. 1618~~
- ~~Drug offenses — see Ohio R.C. Ch. 2925~~
- ~~Controlled substances — see Ohio R.C. Ch. 3719~~
- ~~Liquor law — see Ohio R.C. Title 43~~
- ~~Substance abuse policy for safety sensitive employees — see PERS. Ch. 626~~

627.01 — PURPOSE/SCOPE.

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program for non-safety sensitive employees and provides requirements for non-safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. The Authority requires all employees to be free of drugs and/or alcohol when performing their job duties.

(Res. 2004-104. Passed 7-20-04.)

627.02 — REFERENCE(S).

This policy is written in conjunction with rules and regulations as defined by:

- (a) 49 CFR Part 29, Drug Free Workplace Act of 1998.
- (b) 41 USC 701 et seq., Drug Free Workplace Act of 1988.
- (c) GCRTA Employee Performance Code.

~~(d) Driver's License Requirement Policy 600.08 and Procedure 1700.07. (Res. 2004-104. Passed 7-20-04.)~~

~~627.03 OBJECTIVES.~~

~~The objectives of this policy are:~~

- ~~(a) To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.~~
- ~~(b) To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol. (See Addendum F of this Policy.) Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.~~
- ~~(c) To clearly and concisely outline the procedures required to comply with the Federal regulations. (Res. 2004-104. Passed 7-20-04.)~~

~~627.04 DEFINITIONS.~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

- ~~(a) "Accident" means an unplanned, unexpected or unintended event that occurs during the conduct of the employer's business during normal working hours either with an employer-supplied motor vehicle or a personal motor vehicle being used in conducting the employer's business.~~
- ~~(b) "Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.~~
- ~~(c) "Cancelled test" is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive or negative.~~
- ~~(d) "Dilute specimen" has creatinine and specific gravity values that are lower than expected for human urine.~~
- ~~(e) "Evidential Breath Testing (EBT) device" is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.~~
- ~~(f) "Intoxicant" includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term "intoxicant" also includes any other substance that alters one's senses or could affect one's ability to function in his or her job.~~
- ~~(g) "Invalid drug test" refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering~~

~~substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.~~

- ~~(h) "Medical Review Officer" (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer's drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A.)~~
- ~~(i) "Non-safety sensitive employee" is any employee at the Authority who does not perform a safety sensitive function as defined by the Substance Abuse Policy for Safety Sensitive Employees. The non-safety sensitive employee does not operate a revenue service vehicle, whether in or out of service; operate a non-revenue service vehicle requiring a commercial driver's license; control the dispatch or movement of a revenue service vehicle; maintain a revenue service vehicle or equipment used in revenue service or carry a firearm for security purposes.~~
- ~~(j) "On call" duty is defined as being scheduled for specific after duty hours and the employee must report to duty when called. (Example: safety personnel.)~~
- ~~(k) "Substance Abuse Professional (SAP)" is a licensed physician, a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A.)~~
- ~~(l) "Substituted specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.~~
- ~~(m) "Verified test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.
(Res. 2004-104. Passed 7-20-04.)~~

627.05 POLICY APPLICATION.

~~This policy applies to all employees who are incumbents in non-safety sensitive positions, and to all applicants or employees who may apply for or who may transfer to a non-safety sensitive position.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

~~627.06 CIRCUMSTANCES WHICH WARRANT TESTING.~~

~~(a) All non safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath or blood sample required) under the following circumstances:~~

- ~~(1) Drug testing at the time of the employment physical examination;~~
- ~~(2) Drug testing at the time of or during a work related physical examination;~~
- ~~(3) Drug and alcohol as a condition of discipline due to previous offense under the policy;~~
- ~~(4) At any time there is a reasonable suspicion of employee drug/alcohol use;~~
- ~~(5) At the time of return to duty from rehabilitation as determined by the Substance Abuse Professional (SAP);~~
- ~~(6) When an employee requires follow-up testing;~~
- ~~(7) At the time of an accident as described in Section 627.08(e) of this policy.~~

~~(b) Pre Duty or On Duty Use of Alcohol.~~

- ~~(1) All employees are prohibited from using alcohol or being under the influence of alcohol while performing their job duties. Supervisors with actual knowledge or reasonable suspicion that an employee is using alcohol or is under the influence will not permit the employee to perform or continue to perform his or her job functions. Moreover, supervisors shall complete the necessary documentation for reasonable suspicion for alcohol misuse and send the employee for testing based on the information obtained.~~
- ~~(2) Supervisors will not allow an unscheduled employee to report to duty who acknowledges the use of alcohol. Employees that provide such acknowledgment will not be subject to disciplinary action under this policy.~~

~~(c) On Call Employees. The consumption of alcohol is prohibited for employees during his or her specified on call hours.~~

~~(d) The consumption of any illegal drugs such as marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) and etc. or any other drug that may impair the function of an employee while performing his or her job duties is prohibited at all times and employees may be tested for these substances any time during the performance of their duty as noted in division (a) of this section.~~

~~(e) Non safety sensitive employees are not permitted to consume alcohol while performing work within the course and scope of employment, which includes, but is not limited to, on/off site work during normal working hours. Further, the~~

consumption and possession of alcohol is prohibited while on GCRTA property and at any time while driving a GCRTA vehicle.
(Res. 2004 104. Passed 7 20 04.)

~~627.07 SPECIFIC TESTING REQUIREMENTS.~~

(a) ~~GCRTA will perform specific drug and alcohol testing that is based on the circumstances identified in Section 627.06 of this policy.~~

(b) ~~All drug and alcohol testing will follow proper procedures as noted in Addendum E and F. The standard chain of custody process will be utilized and only non-federal chain of custody forms will be used.~~

(c) ~~Each employee tested under GCRTA requirements will be notified of the purpose for the testing.~~

(d) ~~A verified positive drug test result cannot be negated by an employee presenting negative results collected under other circumstances.~~
(Res. 2004 104. Passed 7 20 04.)

~~627.08 TYPES OF TESTING REQUIRED.~~

(a) ~~Employment or Pre-Placement Testing.~~ The purpose of pre-employment testing is to identify applicants who may have current drug. The Human Resources Department will send all applicants for employment for drug testing after a conditional offer of employment. An applicant may not perform job functions until employment drug tests are administered with verified negative results.

- ~~(1) In the event drug and/or alcohol tests are considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug/alcohol test with verified negative results before starting a safety sensitive position.~~
- ~~(2) Applicants who have not been placed in a position within 90 consecutive calendar days of their initial testing will be required to re-take the drug testing and have verified negative results before starting job duties.~~

(b) ~~Reasonable Suspicion Testing.~~ The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of job functions.

- ~~(1) Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.~~
- ~~(2) The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning~~

- the appearance, behavior, speech, or body odors of the employee.
- ~~(3) The employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.~~
 - ~~(4) Alcohol testing must be based on observations and documented as noted in division (b)(2) of this section and shall be performed only while the employee is performing job duties.~~
 - ~~(5) If alcohol testing is not performed within two hours following the determination to test, a written statement will be made on the reasonable suspicion document why the testing could not be performed. This documentation will be maintained in Medical Services.~~

~~(e) Accident Testing. GCRTA will require drug and alcohol testing of an employee who has had or who may have caused/contributed to an on the job accident as identified in Section 627.04(a) when there is a loss of life or for other non-fatal accidents.~~

- ~~(1) The following events will require accident testing:
 - ~~A. A fatality occurs of anyone involved in the accident;~~
 - ~~B. Bodily injury that requires immediate medical attention;~~
 - ~~C. Any vehicular damage that requires repair, or~~
 - ~~D. Any performance or lack of performance of the employee that may have contributed to accident.~~~~
- ~~(2) The decision to not administer a drug and/or alcohol test shall be based on the investigating person's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision making process used to reach the decision not to test.~~
- ~~(3) Post accident testing will be administered as soon as practicable following the accident. Every attempt should be made to complete alcohol testing within two hours of the accident. When it is not possible to perform testing within the two hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight hours, the supervisor will cease attempting and update the two hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for eight hours or until alcohol testing is performed, whichever occurs first after the occurrence.~~
- ~~(4) The drug testing time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit.~~
- ~~(5) An employee who is subject to post accident testing shall remain~~

~~readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.~~

- ~~(6) The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.~~
- ~~(7) When post accident testing is required based on GCRTA criteria, the collection site will use only non federal custody and control forms.~~

~~(d) Return to Duty Testing. The purpose of return to duty testing is to provide a degree of assurance that an employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse after rehabilitation.~~

- ~~(1) Whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment meeting the following criteria:
 - ~~A. Has had verified positive drug test result (as noted in Section 627.11 of this policy);~~
 - ~~B. Has had a breath alcohol content (BAC) of 0.02 or greater; or~~
 - ~~C. Has been involved in any other activity that violates this policy including refusal to submit to testing.~~~~
- ~~(2) Return to duty testing cannot occur until the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of his or her duties.~~
- ~~(3) Follow up testing will be performed when an employee returns to work as described in Section 627.08(d)(1). The purpose of follow up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow up testing will be performed as prescribed by the SAP.~~
- ~~(4) The SAP must present GCRTA's Medical Services with a release to return to duty and a follow up testing plan outlining the number and frequency of unannounced testing. Follow up testing can be continued for up to 60 months after return to work.~~
- ~~(5) Follow up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform his or her job duties until testing is completed.~~

- ~~(6) A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed test and must be recollected. (Res. 2004 104. Passed 7 20 04.)~~

~~**627.09 TESTING PROTOCOL.**~~

~~(a) Alcohol Testing. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBTs). The testing equipment must provide triplicate printed results, assign unique and sequential numbers, print the manufacturer's name for the device, the device's serial number and the time of the test.~~

- ~~(1) The EBT must have a manufacturer developed quality assurance plan approved by the National Highway Traffic Safety Administration (NHTSA) that includes the following requirements:
 - A. A designated method to be used to perform external calibration checks of the device;
 - B. A specified minimum interval for performing external calibration checks of the device;
 - C. A specified tolerance on an external calibration check; and
 - D. A specified inspection, maintenance and calibration requirement.~~
- ~~(2) GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one collection site. The BAT will be trained to proficiency in the operation of the EBT. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and the EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed.~~
- ~~(3) The alcohol testing procedure is located in Addendum D.~~

~~(b) Drug Tests. Urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non barbiturate sedatives and non-amphetamine stimulants. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.~~

- ~~(1) The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only certified Health and Human Service (HHS) testing laboratories that utilized state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results. GCRTA has contracted with a~~

~~certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A)~~

- ~~(2) Under separate contract, specific collection sites are available throughout the Greater Cleveland area that are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection that is required for the safety-sensitive collection process.~~
- ~~(3) In order to protect the security and integrity of the urine collection each collection site will provide a privacy enclosure for urination, a toilet, a suitable, clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Medical Servers on a routine basis to assure integrity of the testing process.~~
- ~~(4) The drug testing procedure is outlined in Addendum C.~~

~~(e) Medical Review Officer.~~

- ~~(1) When a drug test result is confirmed as positive, adulterated, substituted, or invalid, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:
 - ~~A. Review the individual's medical history;~~
 - ~~B. Afford the employee an opportunity to discuss the test result;~~
 - ~~C. Decide whether there is legitimate medical explanation for the result;~~
 - ~~D. Inform the employee that he or she has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.~~~~
- ~~(2) An employee may request a split sample by calling Medical Services at (216) 566-5106. If there is no answer, the employee will leave a voice mail message. Medical Services will contact the employee to obtain the required written verification and payment for testing. The Medical Review Officer will be notified by Medical Services that the employee has requested split sample testing.~~
- ~~(3) Medical Review Officer services are provided by contract with a certified physician who meets national qualification standards for substance abuse evaluation.~~

~~(d) Observed Collection Procedure. Direct observed collection will be performed immediately with no advanced warning when:~~

- ~~(1) The collector identifies an attempt to alter a specimen has occurred;~~
- ~~(2) The collector identifies an attempt to tamper with a specimen;~~
- ~~(3) A specimen is reported as invalid because there is no adequate medical explanation for the result;~~
- ~~(4) When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; The temperature of the specimen falls out of the range of 90°
-100° F.~~
- ~~(5) Direct observation will not be performed when recollection is to occur for a dilute sample.~~

~~(c) Observation in all instances will be made by the same sex. Observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Medical Services of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Medical Services personnel.
(Res. 2004 104. Passed 7-20-04.)~~

~~627.10 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST.~~

~~Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.02 or greater.~~

- ~~(a) When positive drug results are received from the MRO, Medical Services will immediately notify authorized supervisor(s). The covered employee will be immediately removed from the duty. The appropriate disciplinary action will be implemented as outlined by this policy.~~
- ~~(b) When a positive alcohol result of 0.02 or greater has been confirmed by BAT, the employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The employee will not be permitted to drive his or her own vehicle and an alternate means of transportation will be utilized.~~
- ~~(c) If an employee refuses to submit to drug or alcohol testing, the employee will be removed from his or her job duties and appropriate disciplinary action will be implemented as outlined by this policy.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

~~627.11 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL.~~

~~The GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.~~

- ~~(a) GCRTA requires of all employees to be free of drugs and alcohol when performing his or her job duties. Any employee with a verified~~

~~positive drug test; an alcohol concentration of 0.02 or greater; or refuses to submit to testing will be removed from his or her job duties and must be evaluated by a Substance Abuse Professional (SAP).~~

~~(b) Disciplinary Consequences for Positive Alcohol. When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:~~

~~(1) Employees with less than 6 months service: Immediate Discharge~~

~~(2) Employees with greater than 6 months of service:~~

~~A. BAC of 0.02 or less Any value less than 0.02 is considered a negative test.~~

~~B. BAC of 0.02% to 0.079% First Offense: 30 calendar days~~

~~conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.~~

~~After release by the SAP to return to work, the employee will undergo a return to duty test with an alcohol result of less than 0.02%, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.~~

~~An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA~~

~~reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.~~

~~Second Offense under this policy within a 3 year period: Immediate Discharge~~

~~C. BAC of 0.08% or higher — Immediate Discharge~~

~~The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.~~

~~(e) Disciplinary Consequences for Positive Marijuana Related Substances:~~

~~(1) Job Applicants — Not Hired~~

~~(2) Employees with less than 6 months of service: — Immediate Discharge~~

~~(3) Employees with more than 6 months service: — First Offense will result in a 30~~

~~calendar day conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.~~

~~After release by the SAP to return to work, the employee will undergo a return to duty test with a negative result, will participate in any~~

~~required aftercare program and submit to follow up testing as determined by the SAP.~~

~~In the event that an employee tests positive for marijuana in a return to work test, s/he shall be conditionally suspended for an additional 30 calendar days subject to the conditions set forth above. In the event the employee fails his or her second return to work drug test, he or she shall be immediately discharged.~~

~~An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.~~

~~Second Offense: Immediate discharge within three year period following first offense.~~

~~(d) Disciplinary Consequences for Prohibited Drugs (not including marijuana or prescription drugs). Prohibited drugs are cocaine, opiates, phenethylidine and amphetamines, and the following applies:~~

- | | |
|---|--|
| (1) Job Applicants | Not Hired |
| (2) Employees: | Immediate discharge for reasonable suspicion, post accident, and pre placement testing. |
| (3) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result. | |
| (4) The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge. | |

~~(c) Disciplinary Consequences for Prescription Drugs. In accordance with GCRTA requirements, the following applies:~~

~~(1) Job Applicants~~

~~When the applicant tests positive for a prescription drug which may affect his or her ability to perform the applicant's proposed job duties, he or she will not be considered for employment unless Human Resources has received the following information prior to testing:~~

~~A. Notification of the use of the prescription drug;~~

~~B. A doctor's letter indicating the applicant's ability to perform his or her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.~~

~~(2) Employees~~

~~When an employee tests positive for a prescription drug which may affect his or her ability to perform the employee's job duties, he or she will be discharged unless the employee has provided the~~

~~supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his or her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.~~

~~Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use~~

~~or possession of an intoxicant and the employee will be subject to discipline as set forth.~~

~~(f) Disciplinary Consequences for Testing Positive for any Intoxicant. Such as hypnotics, barbiturates, hallucinogens, etc.~~

- ~~(1) Job Applicants ————— Not hired~~
- ~~(2) Employees ————— Immediate Discharge~~

~~(g) Disciplinary Consequences for a Driver's License Suspension due to a DUI Conviction. This provision is in effect for employees that are covered by the Driver's License Requirement Policy and drive a non-revenue or company vehicle. In cases of driver's license suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven calendar days of the suspension and provide proof of contact to his or her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Requirement Policy.)~~

~~(h) Other Disciplinary Consequences.~~

- ~~(1) The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.~~
- ~~(2) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his or her supervisor no later than five working days following his or her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.~~
- ~~(3) The following behavior constitutes a refusal to submit to drug and alcohol testing:
 - ~~A. Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign the testing forms;~~
 - ~~B. Any employee who refuses to submit to a direct observation collection;~~
 - ~~C. Declination by an employee to submit to a second test when requested by the Authority or the collector;~~
 - ~~D. Failure of the employee to remain at the testing site until~~~~

- collection is complete;
- ~~E. Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of three hours and up to 40 ounces of water;~~
 - ~~F. Any employee who has a verified adulterated or substituted test result;~~
 - ~~G. Failure to undergo a medical examination or evaluation for either shy bladder or shy lung;~~
 - ~~H. Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician;~~
 - ~~I. Refusal by an employee who normally voids by utilization of self-catheterization but declines to do so;~~
 - ~~J. Any employee whose conduct prevents the completion of required drug and/or alcohol test;~~
 - ~~K. Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc in a secured location prior to obtaining a specimen;~~
 - ~~L. Any employee who does not report to the collection site in the allotted time;~~
 - ~~M. Any employee who is not readily available for post accident testing; or~~
 - ~~N. Any employee who leaves the scene of an accident without proper authorization.~~

~~All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.~~

- ~~(4) Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.~~
- ~~(5) Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

~~627.12 RESPONSIBILITY FOR PROGRAM ADMINISTRATION.~~

~~(a) The Drug and Alcohol Program is administered by the Manager, Occupational Health. GCRTA's Occupational Health Services is located at the~~

~~GCRTA Main Office Building, 1240 W. 6th Street, Cleveland, Ohio 44113. (See Addendum A)~~

~~(b) Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Medical Services Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Medical Services. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.~~

~~(Res. 2004 104. Passed 7 20 04.)~~

~~627.13 — CONFIDENTIALITY OF RECORDS.~~

~~Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Medical Services provided that the employee has a picture identification. Results of drug and alcohol testing will not be released to outside entities or any third party without the written consent of the employee.~~

~~(Res. 2004 104. Passed 7 20 04.)~~

Addendum
A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

~~Dr. Ronald Hawes, M.D.
East Side Occupational Health Center
4450 St. Clair Avenue
Cleveland, Ohio 44103
(216) 431-0927~~

Substance Abuse Professional (SAP)

~~Sharon Ryan Hawley, CEAP
Recovery Resources
3950 Chester Avenue
Cleveland, Ohio 44114
(216) 431-4140~~

Laboratory Drug Testing

~~Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917~~

GCRTA Drug & Alcohol Program Administration

~~Linda K. Taneek
Medical Services Coordinator
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 566-5106
(Res. 2004 104. Passed 7-20-04.)~~

Addendum
B

Laboratory Testing Cut-Off Limits for the Minimum Quantity of Drug Detected

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
Marijuana- Metabolites-	50 ng/ml	15 ng/ml
Cocaine Metabolites-	30 ng/ml	150 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Amphetamines Amphetamine Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (specimen must also contain amphetamine at a concentration \geq 200 ng/ml)
Opiate- Metabolites- Codeine- Morphine 6-acetylmorphine	2000	2000 ng/ml 2000 ng/ml 10 ng/ml (test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)
Barbiturates	300 ng/ml	300 ng/ml
Benodiazepines	300 ng/ml	300 ng/ml
Methodone	300 ng/ml	300 ng/ml
Methaquaione	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

~~Addendum
C~~

~~Urine Specimen Collection Process~~

~~(a) Urine Specimen collection. Urine specimen collection outlined below is the collection procedure. The testing process will begin upon entry to the collection site without undue delay.~~

- ~~(1) If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.~~
- ~~(2) Employee identification will be verified by a photo ID using either a valid Ohio driver's license or GCRTA identification card.~~
- ~~(3) The collection process will be explained to the employee.~~
- ~~(4) The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he or she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.~~
- ~~(5) Prior to collection of the specimen, Step 1 of the chain of custody will be completed by the collector.~~
- ~~(6) The employee will then be instructed to wash and dry his or her hands.~~
- ~~(7) The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.~~
- ~~(8) The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three hours to complete drug and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three hour period begins and when it will end. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.~~
- ~~(9) The temperature of the specimen will be obtained within four minutes after the specimen collection and the acceptable temperature range must be between 90^o to 100^o F.~~
- ~~(10) The collector will pour or "split" the sample of at least 15 ml in a separate collection bottle and leave the remaining specimen in the original container. This process will be performed before the~~

employee.

- ~~(11) Both bottles will be sealed and labeled in the presence of the employee. After the specimen has been labeled, the employee will initial the bottle labels.~~
- ~~(12) The chain of custody form will be completed with the appropriate signatures, social security number, birth date and current date.~~
- ~~(13) The appropriate portion of the chain of custody form along with the primary sample and the split sample will be placed in a single shipping container, initialed by the collector and placed in secure storage until laboratory pick-up.~~

~~(b) Shy Bladder Evaluation. Shy bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three hours and being provided no more than 40 ounces of water. Outlined below is the process that will be utilized:~~

- ~~(1) If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.~~
 - ~~(2) The collection procedure will be discontinued and documented on the chain of custody. The collector must notify Medical Services and the MRO within 24 hours, however, it is expected that each collection site will notify Medical Services immediately and will send the chain of custody with the documentation within the 24 hour period.~~
 - ~~(3) Medical Services will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician within five days of the occurrence. Medical Services will contact the employee with the selected physician's name, location and date of the evaluation.~~
 - ~~(4) The employee will be placed on administrative leave pending medical results.~~
 - ~~(5) The MRO shall confer with the evaluating physician and will provide Medical Services with a written determination as soon as it is made.~~
 - ~~(6) If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.~~
 - ~~(7) If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.~~
- ~~(Res. 2004-104. Passed 7-20-04)~~

Addendum D
Breath Alcohol Collection Process

- (a) ~~Breath Alcohol Testing~~. Outlined below is the testing procedure. The testing process will begin upon entry to the collection site without undue delay.
- (1) ~~Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.~~
 - (2) ~~Employee identification will be verified by a photo ID using either a valid Ohio driver's license or GCRTA identification card.~~
 - (3) ~~After testing procedures are explained to the employee, the BAT will complete Step 1 of the Alcohol Testing Form and the employee will complete Step 2 and sign the certification.~~
 - (4) ~~The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.~~
 - (5) ~~The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.~~
 - (6) ~~If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide an sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "shy lung".~~
 - (7) ~~After successful completion of the testing, the employee will be shown the results.~~
 - (8) ~~When the results of the test are an alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Medical Services in a confidential manner.~~
 - (9) ~~When the results of the test are an alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.~~
 - (10) ~~During the waiting period for confirmation testing, the employee will not be permitted to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the testing form.~~
 - (11) ~~Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.~~
 - (12) ~~The employee shall be shown the results of the confirmation test~~

and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.

- ~~(13) The BAT will immediately notify Medical Services of results greater than 0.02 and send hard copy confidentially by U.S. Mail or courier.~~
- ~~(14) In order to confirm that telephoned results are valid when received from the collection site, Medical Services personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.~~

~~(b) Shy Lung Evaluation. Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. Outlined below is the process that will be utilized.~~

- ~~(1) If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "shy lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "remarks" line of the Alcohol Testing Form and immediately notify Medical Services.~~
- ~~(2) The BAT will direct the employee to continue to attempt to complete the breathalyzer by utilizing a manual testing method for up to 15 minutes from the time of the last failed attempt. If GCRTA's designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within five days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.~~
- ~~(3) If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, GCRTA will permit the employee to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. The blood will be drawn within 60 minutes of the initial breathalyzer test so as to provide valid results regarding employee's use of alcohol at the time of the breathalyzer test.~~
- ~~(4) If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition which precludes the breathalyzer test, the employee will be evaluated by the Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of~~

~~the SAP. So long as the employee contacts the SAP within 24 hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP's recommendations.~~

- ~~(5) If the additional manual breath test(s) or blood test is negative, but the pulmonary assessment reveals a medical condition, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.~~
- ~~(6) If the pulmonary assessment does not reveal a medical condition, but the additional manual breath test(s) or blood alcohol test reveal alcohol concentration of 0.02 or above, the employee will be subject to the procedures and penalties outlined in this policy.~~
- ~~(7) If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.~~

~~(Res. 2004-104. Passed 7-20-04.)~~

Addendum E

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far-reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes more and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone, however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.

Mood: Constant depression or anxiety, irritability, suspicion and mood swings. Argumentative, excessive sense of self-importance, avoids talking.

Actions: Argumentative, excessive sense of self-importance, avoids talking.

Absentecism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.

Accidents: Takes needless risks, disregards safety of others, higher than average accident rate.

Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.

Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public. (Res. 2004-104. Passed 7-20-04.)

Attachment D to Staff Summary

600.02 DRUG-FREE WORKPLACE.

The Drug Free Workplace Act requires that grantees of Federal agencies certify that they will provide a drug free workplace. It applies to all employees within the Authority and contractors engaged in the performance of a grant or a cooperative agreement regardless if the functions are safety-sensitive or non-safety sensitive in nature. Accordingly, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace and/or outside GCRTA workplace is required to notify his/her supervisor in writing no later than five working days following his/her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

600.03 SUBSTANCE ABUSE.

It is the policy of the Greater Cleveland Regional Transit Authority ("GCRTA") to provide the safest possible transportation for the riding public and work environment for its employees. Toward that end the GCRTA has two substance abuse policies. One policy is for safety sensitive employees and one is for non-safety sensitive employees.

For safety sensitive employees, the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with FTA requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to specific testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.

For non-safety sensitive employees, the policy requires such employees to submit to testing for the presence of drugs and/or alcohol at the time of a post-employment offer physical exam; any work related physical exam; when there is reasonable suspicion; and as a condition of discipline for previous offenses under the policy.

The Authority encourages participation in the Employee Assistance Program (EAP) for those employees who are plagued by problems associated with drugs or alcohol. Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

For more information, refer to the Substance Abuse Policy for Safety Sensitive Employees and Substance Abuse Policy for Non-Safety Sensitive Employees.

600.031 SUBSTANCE ABUSE POLICY FOR SAFETY-SENSITIVE EMPLOYEES

1.0 PURPOSE/SCOPE:

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, the Authority requires all safety-sensitive employees to submit to testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety-sensitive function.

2.0 REFERENCE(S):

This policy is written in conjunction with rules and regulations as defined by:

- 2.1 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule, Federal Register (pp. 79462 –79579); December 19, 2000; Federal Register (pp.43946 – 43964) July 25, 2003; Federal Register (pp. 52229 – 52247) November 13, 2017
- 2.2 49 CFR Part 655; Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, Final Rule, Federal Register (pp. 41996 – 42036), August 9, 2001; Federal Register (pp. 63812-63813) December 12, 2018
- 2.3 49 CFR Part 29, Drug-Free Workplace Act of 1998
- 2.4 FTA Drug and Alcohol Regulation Updates
- 2.5 GCRTA Employee Performance Code
- 2.6 Federally mandated laboratory testing limits (Addendum D)

3.0 OBJECTIVES

- 3.1 To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.
- 3.2 To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

3.3 To clearly and concisely outline the procedures required to comply with the federal regulations.

4.0 DEFINITIONS

4.1 “Accident” means an occurrence associated with the operation of a vehicle, if as a result:

4.1.1. An individual dies; or

4.1.2. One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

4.1.3. An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or

4.1.4. An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.

4.2 “Adulterated Specimen” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

4.3 A “Cancelled Test” is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.

4.4 “Contractor” means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

4.5 A “Covered Employee” means a person, including an applicant or transferee, who performs a safety-sensitive function. A volunteer is considered a covered employee if required to hold a commercial driver’s license to operate a vehicle or to perform a safety-sensitive function with the expectation of receiving some type of in-kind or tangible benefit.

4.6 A “Dilute Specimen” has creatinine and specific gravity values that are lower than expected for human urine.

4.7 “Disabling Damage” is defined as “damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair”. This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.

- 4.8 An “Evidential Breath Testing (EBT) Device” is defined as a breath- testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.
- 4.9 The term “Intoxicant” includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opioids such as 6-Acetylmorphine 6-AM (heroin), codeine/morphine, methadone, hydrocodone/hydromorphone, oxycodone/oxymorphone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term “intoxicant” also includes any other substance that alters one’s senses or could affect one’s ability to function in his/her job.
- 4.10 An “Invalid Drug Test” refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- 4.11 “Medical Review Officer” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A)
- 4.12 A “Safety-Sensitive Employee” is one who is required to perform safety-sensitive functions based on specific job criteria:
- 4.12.1 Operates a revenue service vehicle (in or out of service)
 - 4.12.2 Operates a non-revenue service vehicle requiring a Commercial Driver’s License
 - 4.12.3 Controls dispatch or movement of a revenue service vehicle
 - 4.12.4 Maintains a revenue service vehicle or maintains equipment used in revenue service
 - 4.12.5 Carries a firearm for security purposes
- 4.13 The “Substance Abuse Professional (SAP)” is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Additions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required

number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A)

4.14 A "Substituted Specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.

4.15 A "Verified Test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

5.0 POLICY APPLICATION:

5.1 This policy applies to all employees who are incumbents in safety-sensitive positions, and to all applicants or employees who may apply for or who may transfer to a safety-sensitive position.

5.2 The Human Resources Department maintains a list of safety-sensitive classifications. This list is updated as required when classifications are added or eliminated. (See Addendum B for a list of safety-sensitive classifications)

6.0 CIRCUMSTANCES WHICH WARRANT TESTING:

According to the FTA regulations, all safety-sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required).

6.1 FTA requires drug and alcohol testing to be performed under the following circumstances:

6.1.1 Employment drug testing or prior to the transfer of any employee from a non-safety sensitive position to a safety-sensitive position;

6.1.2 When there is a "reasonable suspicion" of employee drug/alcohol use;

6.1.3 When an employee is involved in a fatal or non-fatal accident under FTA criteria; as described in Section 8.4 of this Policy;

6.1.4 When an employee is selected for random testing;

6.1.5 Following the successful completion of a SAP determined rehabilitation program for return-to-duty testing (see policy section 8.5);

6.1.6 When an employee is subject to follow-up testing as specified by a SAP. (See Policy Section 8.5)

6.2 GCRTA will require testing under the following circumstances:

6.2.1 Drug and alcohol testing as a condition of discipline due to previous offense under this Policy;

6.2.2 Drug and alcohol testing when an employee is involved in a non-fatal accident not covered under FTA testing requirements but meets GCRTA criteria as described in Section 8.4 of this policy.

6.2.3 Drug testing at the time of, or during a work-related physical examination such as a biennial physical.

6.3 Pre-duty use of alcohol: All covered employees are prohibited from using alcohol within 4 hours prior to performing safety-sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within 4 hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. Documentation for reasonable suspicion for alcohol misuse should be completed and testing performed based on the information obtained.

6.3.1 An unscheduled employee who is called to report to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.

6.3.2 If the unscheduled employee acknowledges the use of alcohol, but claims ability to perform a safety-sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.

6.4 On-call employees: The consumption of alcohol is prohibited for covered employees during his or her specified on call hours.

6.5 On duty use of alcohol: All covered employees are prohibited from using alcohol while performing safety-sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety-sensitive functions.

6.5.1 Covered employees with an alcohol concentration of 0.02 or greater are prohibited from reporting for duty to perform a safety-sensitive function or remaining on duty while performing a safety-sensitive function.

6.6 The consumption of marijuana, cocaine, amphetamines, opioids and phencyclidine, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.

7.0 SPECIFIC TESTING REQUIREMENTS:

7.1 Federal drug and alcohol testing must be conducted completely separately from non-federal testing. Further, federal testing will take priority over the non-federal collection process.

7.2 No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.

7.3 GCRTA will perform specific drug and alcohol testing that is based on non-related DOT criteria.

7.4 A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

7.5 DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will not be used when testing is requested under GCRTA authority.

7.6 Each employee tested under Federal or GCRTA requirements will be notified of the purpose for the testing and under whose authority the test is being conducted.

8.0 TYPES OF TESTING REQUIRED:

8.1 Employment or Pre-Placement Testing: The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety sensitive position to a safety-sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined 49 CFR part 40 and will direct applicants/transferring employees to have drug testing after a contingent offer of employment or transfer. A covered employee, including an applicant, may not perform a safety-sensitive function until employment drug testing is administered with verified negative results.

8.1.1 Human Resources will investigate drug and alcohol testing records of all applicants for safety-sensitive positions and employees intending to transfer to safety-sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.

8.1.2 When a covered employee or applicant has previously failed employment drug or alcohol testing, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.

8.1.3 An employee may not transfer to a safety-sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.

8.1.4 In the event a drug test is considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug test with verified negative results before starting a safety-sensitive position.

8.1.5 Applicants who have not been placed in a safety-sensitive position within 90 consecutive calendar days of their initial employment testing will be required to re-take the drug test and have verified negative results before starting a safety-sensitive position.

8.1.6 Employment testing will also be performed whenever a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in the random selection pool during that time. The employee may resume safety-sensitive duties after a verified negative drug result.

- 8.2 Random Testing: The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.
- 8.2.1 All safety-sensitive employees are required to participate in the random testing program for drugs and alcohol. The GCRTA will test safety-sensitive employees in accordance with FTA regulated percentages. (See Addendum C of this Policy)
- 8.2.2 Random testing is required by FTA to be conducted during all time periods when safety-sensitive functions are performed and shall be unannounced and unpredictable. Since GCRTA operates 24 hours a day, seven (7) days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.
- 8.2.3 A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.
- 8.2.4 GCRTA utilizes a random selection process that is performed in two steps. Step one is performed by GCRTA's contracted medical provider who receives the average number of safety-sensitive employees in the random pool and generates a list of random numbers using a computer-based random number generator program. Step two is performed by GCRTA's Occupational Health who enters the selected numbers into a computer-based random selection program. GCRTA's random computer program assures that each employee is assigned a different random number each day in the selection period. Thus, each covered employee shall have an equal chance of being tested every day random testing is performed. To assure that the random program is protected from unofficial entry, the computer program has limited access to key personnel at each district and only department specific information is available to those persons. To maintain confidentiality and assure the integrity of the random program, access to all other computer information and data is limited to Occupational Health personnel only.
- 8.2.5 As required by FTA regulation the random notification and testing process occurs throughout the workday and throughout the selection period. GCRTA's random testing number selection is made once a week and entered into the computer every Friday. Authorized personnel may access the Random Testing Program daily to ascertain the employee(s) from their area that have been selected for random testing for the day.
- 8.2.6 If the employee is available for testing during their work shift, the safety-sensitive employee will be informed that s/he has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety-sensitive function and will be

immediately transported for testing. It is the policy of GCRTA to transport the employee to the collection site. Once testing is completed, the employee may be required to utilize public transportation to return to their assigned district. The employee will follow the procedures established by his or her district whenever this method of return to work is required. Instances of employees violating the established procedures will be investigated and disciplinary action may be taken.

8.2.7 When an employee is not available for random testing on the day of selection, the employee should be tested during their next available shift as long as the test can be performed within the selection week (i.e.: Saturday through Friday).

8.2.8 Every effort will be made to test the individual that has been selected within the selection week. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. In the event an employee is selected who is on long-term absence or is on vacation during the selection week, Occupational Health will be notified and a replacement number may be selected.

8.3 Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of safety-sensitive functions.

8.3.1 Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

8.3.2 The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

8.3.3 The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

8.3.4 Alcohol testing must be based on observations and documented as noted in 8.3.2 and testing shall be performed only if the observations were made while the covered employee was performing safety-sensitive functions, just before the employee was to perform safety-sensitive functions or just after the employee had ceased performing such functions.

8.3.5 If alcohol testing is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be maintained in Occupational Health. If a test is not administered within 8 hours following the determination to test,

GCRTA will cease attempts to administer the test and a statement will be added to the reasonable suspicion document explaining why testing could not be conducted within 8 hours.

- 8.4 Post-Accident Testing: The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post-accident testing is mandatory where there is a loss of life and for some non-fatal accidents. In the event of a non-fatal accident, according to the FTA, the burden rests with the Authority to prove that an employee did not contribute to the accident and therefore can be dismissed from testing. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.
- 8.4.1 In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing. In addition, all other covered employees whose performance may have contributed to the accident, as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- 8.4.2 In the event of a non-fatal accident, FTA drug and alcohol testing is required when one or more individuals suffer bodily injury and immediately receive medical treatment away from the scene of the accident; when a bus, paratransit vehicle or any vehicle involved receives disabling damage; or a rail car is removed from service for disabling damage. All covered employees operating or on duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by the Authority as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- 8.4.3 The decision to not administer a drug and/or alcohol test under FTA guidelines shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.
- 8.4.4 The FTA specifically requires that post-accident testing be administered as soon as practicable following the accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post-accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the occurrence.

8.4.5 The **drug testing** time limit is a maximum of 32 hours post-accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit. Testing time limits for drug and alcohol collection apply to FTA and to GCRTA post-accident testing.

8.4.6 A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.

8.4.7 The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.

8.4.8 The Authority may use the post-accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by GCRTA. Such test results may be used only when GCRTA is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).

8.4.9 If FTA post-accident testing criteria is not applicable, GCRTA will perform non-DOT post-accident drug and alcohol testing. Testing will occur when there has been property damage that requires repair or personal injury that is evident at the time of the occurrence, unless the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the decision.

8.4.10 FTA mandated testing takes precedence over GCRTA required testing. The criteria to perform FTA post-accident testing will be satisfied before consideration is given to utilize GCRTA criteria. When post-accident testing is required based on GCRTA criteria, the collection site will use only non-Federal drug and alcohol testing custody and control forms.

8.5 Return to Duty Testing: The purpose of return to duty testing is to provide a degree of assurance that a safety-sensitive employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse.

8.5.1 According to FTA regulations, whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment in a safety-sensitive classification meeting the following criteria:

- Has had verified positive drug test result,
- Has had a breath alcohol concentration (BAC) of 0.04 or greater, or

- Has been involved in any other activity that violates the regulations including refusal to submit to testing.

8.5.2 Return to duty testing cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

8.5.3 Follow-up testing will be performed when an employee returns to work as described in Section 8.5.1. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP. Under GCRTA policy, an employee testing positive for any prohibited substance within three (3) years of the original positive test will result in discharge.

8.5.4 The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six (6) follow-up tests in the first twelve (12) months following the employee's return to safety-sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to 60 months after return to work. The SAP, following completion of the mandatory requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.

8.5.5 Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety-sensitive functions. Further, the requirements of the SAP's follow-up testing plan "follow the employee" to subsequent employers or through breaks in service.

8.5.6 A follow up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected.

9.0 TESTING PROTOCOLS

9.1 Alcohol Testing: Breath alcohol testing will be conducted on safety-sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, print the manufacturer's name for the device, the device' serial number and the time of the test.

9.1.1 The EBT must have a manufacturer-developed quality assurance plan approved by NHSTA that includes the following requirements:

- A designated method to be used to perform external calibration checks of the device; and
- A specified minimum interval for performing external calibration checks of the device; and
- A specified tolerance on an external calibration check; and
- A specified inspection, maintenance and calibration requirement

9.1.2 GCRTA will only utilize certified Breath Alcohol Technicians (BAT), which allows the performance of the screening and confirmation test to be performed at one site. The Breath Alcohol Technician (BAT), will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by the 49 CFR Part 40, Subpart J. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.

9.1.4 With the exception of post-accident testing, the testing for alcohol is only permissible just before an employee performs safety-sensitive duties, during that performance or just after an employee has performed covered duties. FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.

9.1.5 The alcohol testing procedure is outlined in Addendum F.

9.2 Drug Tests: Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opioids, phencyclidine and amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. In the event these optional tests are to be performed, they will be performed separately from FTA required testing under GCRTA authority and with non-federal testing forms. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

9.2.1 The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.

9.2.2 Under separate contract, specific collection sites are available throughout the Greater Cleveland area that meet DOT 49 CFR Part 40 requirements, are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.

9.2.3 Collection procedure requires that only Federal drug testing custody and control forms be used for DOT mandated test and non-federal urine custody forms for GCRTA defined testing. Drug testing performed under GCRTA authority will be for the same five drugs which include testing for marijuana, cocaine, opioids, phencyclidine, amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA as defined by DOT in 49 CFR Part 40.

9.2.4 Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E) In order to protect the security and integrity of the urine collection each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Occupational Health on a routine basis to assure integrity of the testing process.

9.2.5 GCRTA has the right to test for drugs other than those mandated by FTA/DOT (ex: marijuana, cocaine, amphetamines, opioids and phencyclidine, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA). In the event the GCRTA chooses to test for other drugs, the test must be performed separately from the FTA testing and the FTA test must be performed first. Separate urine specimens must be obtained from the employee and separate custody and control forms must be processed. A standardized Federal drug testing custody and control form cannot be used. Employees must be notified whether they are being tested under the FTA required program or the GCRTA program.

9.3 Medical Review Officer: In accordance with FTA regulations, when a test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history
- Afford the employee an opportunity to discuss the test result
- Decide whether there is legitimate medical explanation for the result
- Inform the employee that s/he has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.
- Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request.

- Inform the employee that if the request is made within this 72-hour timeframe that GCRTA will ensure that the testing will occur.
- Inform the employee that the cost of the testing is not required to be paid by the employee but GCRTA may request reimbursement.
- Inform the employee that additional test of the specimen (e.g.: DNA testing) are not authorized.
- If split sample testing has been requested, inform the employee to contact Occupational Health at (216) 356-3214 or (216) 356-3213 to complete the necessary paperwork for split sample testing to be performed.

9.3.4 Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum A)

9.4 Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:

- The collector identifies an attempt to alter a specimen has occurred;
- The collector identifies an attempt to tamper with a specimen;
- A specimen is reported as invalid because there is no adequate medical explanation for the result;
- When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
- The temperature of the specimen falls out of the range of 90 - 100° F.
- Observed collection will be performed under FTA requirements when the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FTA regulation as a return to duty or SAP follow-up test.

9.5 Dilute Specimen Procedure: When informed by the MRO that positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. However, when informed by the MRO that a negative test was dilute, the following action will be taken:

- Recollection will be performed immediately under direct observation if the MRO verifies that the specimen was considered "substituted".
- If the specimen is dilute, but not "substituted, recollection will be performed immediately. Unless specified by the MRO or other behaviors have been observed as noted in 9.4 of this policy, recollections will NOT be observed.

9.6 Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.

10.0 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.04 or greater.

10.1 When positive drug results are received from the MRO, Occupational Health will immediately notify authorized supervisors. The covered employee will be immediately removed from the safety-sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.

10.2 When a positive alcohol result of 0.04 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.

10.3 If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety-sensitive position and appropriate disciplinary action will be implemented as outlined by this policy.

11.0 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL

Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer. Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

11.1 GCRTA requires of all employees to be free of drugs and alcohol when performing a safety-sensitive function. FTA requires that any safety-sensitive employee with a verified positive drug test; a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be immediately removed from performing all safety-sensitive functions and must be evaluated by a Substance Abuse Professional (SAP).

11.2 Disciplinary Consequences for Positive Alcohol: When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

a) Probationary Employee Immediate Discharge

b) Non-Probationary Employee:

BAC of 0.08 or greater First Offense: Immediate Discharge

BAC OF 0.04 – 0.079 The FTA regulations prohibit an employee with an alcohol concentration of 0.04 or greater to perform a safety-sensitive duty until s/he has been evaluated by a SAP and has passed a return to duty test. First Offense will result in a thirty (30) calendar day conditional suspension with referral to SAP. The employee must participate in the program prescribed by the

SAP and must undergo a follow-up test and test less than 0.02 prior to returning to a safety-sensitive function. The failure to comply with the SAP's treatment will result in discharge. Return to work drug/alcohol testing must reveal negative results. Should the employee test 0.02 or more on the return to work test, the employee will be subject to discipline, up to and including discharge.

Second Offense within Three (3) Years:
Discharge

BAC OF 0.02 – 0.039

In the event that an employee has a breath alcohol concentration of 0.02 or greater but less than 0.04 and the employee is required to return to a safety-sensitive position **BEFORE** eight (8) hours, **FTA** requires breath alcohol re-testing. The breath alcohol concentration must be less **than** 0.02 before the employee may perform a safety-sensitive function.

However, in the event the employee is NOT REQUIRED to return to a safety-sensitive position **BEFORE** eight (8) hours, the following GCRTA policy will be followed:

Immediately remove the employee from the safety-sensitive position for eight (8) hours. When an employee has been removed from a safety-sensitive position for at least eight (8) hours after a BAC of 0.02 or greater, but less than 0.04, the employee will be required to undergo a second test with a result below 0.02 BAC prior to being permitted to return to performing their safety-sensitive function.

- Should the employee again test 0.02 or greater but less than 0.04 BAC, the employee will be referred for SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority with a test level less than 0.02 BAC prior to being returned to a safety-sensitive function. Failure to comply with the

SAP's recommended treatment program will result in discharge.

- Should the employee again fail to test less than 0.02 BAC, the employee will be subject to discipline up to and including discharge.

Second Offense within a Three (3) Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in a thirty (30) day conditional suspension and SAP referral. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority and test less than 0.02 BAC prior to returning to a safety-sensitive function. The failure to comply with the SAP's treatment will result in discharge.

Third Offense within a Three (3) Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in discharge.

BAC of 0.02 or less

Any breath alcohol concentration value less than 0.02 is considered a negative test result.

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

11.3 Disciplinary Consequences for Positive Marijuana-Related Substances:

a) Job Applicants

Not Hired

b) Probationary Employee

Immediate Discharge

c) Non-Probationary Employee

First Offense will result in a thirty (30) calendar day conditional suspension; SAP referral; EAP participation and completion of follow-up treatment; return to work drug/alcohol testing with negative results. In no event will an employee be eligible to return to work less than thirty (30) days after the failed test.

Failure to meet the above conditions other than failure of a return to work test, the employee is subject to immediate discharge. In the event that an employee

tests positive for marijuana in a return to work test, s/he shall be conditionally suspended for an additional thirty (30) calendar days subject to the conditions set forth above. In the event the employee fails his/her second return to work drug test, s/he shall be immediately discharged.

Second Offense: Immediate discharge within three (3) year period following first offense.

11.4 Disciplinary Consequences for Prohibited Drugs: (not including marijuana or prescription drugs) Prohibited drugs are cocaine, opioids, phencyclidine and amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA and the following applies:

a) Job Applicants Not Hired

b) Probationary/Non-Probationary Employee Immediate discharge for random, reasonable suspicion, post-accident, follow-up and pre-placement exams/testing.

c) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result.

11.5 Disciplinary Consequences for Prescription Drugs: In accordance with GCRTA requirements, the following applies:

a) Job Applicants When the applicant tests positive for a prescription drug which may affect his/her ability to perform the applicant's proposed job duties, s/he will not be considered for employment unless Human Resources has received the following information prior to testing:

- Notification of the use of the prescription drug
- A doctor's letter indicating the applicant's ability to perform his/her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.

b) Probationary/Non-Probationary

Employee: When an employee tests positive for a prescription drug which may affect his/her ability to perform the employee's job duties, s/he will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his/her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. Please be advised there is a Prescription Drug Disclosure Form that a physician may complete and is located on the GCRTA Intranet. If an employee is required to use prescription drugs, the employee must submit the Prescription Drug Disclosure Form from their physician on a yearly basis. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

11.6 Disciplinary Consequences for Testing Positive for any Intoxicant during a Work Related Physical Examination (biennial, return-to-work, etc.) will be as follows:

a) First Offense: The employee will be conditionally suspended for thirty (30) calendar days. An employee suspended under this section will be referred to the SAP and must participate and complete in follow-up treatment as prescribed by the SAP. Failure to comply with the SAP's treatment will result in discharge.

b) Second Offense: Immediate Discharge

c) In no event will an employee be eligible to return to work less than thirty (30) calendar days after the failed work related physical examination test. Furthermore, following completion of treatment prescribed by the SAP, the employee shall be required to submit to a physical examination and drug testing prior to returning to work and participate in follow-up treatment prescribed by the SAP. The Authority also reserves the right to subject the

employee to unannounced drug testing in addition to regular random testing stated herein, as prescribed by the SAP following the employee's return to work. In accordance with the agreement between ATU Local 268 and GCRTA on 7/17/97, employees covered by ATU will be required to pay all costs for each unannounced drug/alcohol test. An employee who fails to meet any of the conditions set forth above is subject to immediate discharge.

11.7 Disciplinary Consequences for A Commercial Driver's Licenses Suspension Due To a DUI Conviction: In cases of suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven (7) calendar days of the suspension and provide proof of contact to his/her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Policy)

11.8 Other Disciplinary Consequences:

11.8.1 The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

11.8.2 Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his supervisor no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

11.8.3 As noted in 49 CFR Part 40 Subpart I the following behavior constitutes a refusal to submit to drug and alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign Federal drug testing forms or failure to sign the certification at Step 2 of alcohol testing form;
- Any employee who refuses to submit to a direct observation collection;
- Refusal by an employee to submit to a second test when requested by the Authority or the collector;
- Failure of the employee to remain at the testing site until collection is complete
- Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of 3 hours and up to 40 ounces of water;
- Any employee who has a verified adulterated or substituted drug test result;

- Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or GCRTA;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;
- Refusal to provide urine specimen by an employee who normally voids by utilization of self-catheterization but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc. in a secured location prior to obtaining a specimen;
- Any employee who does not report to the collection site in the allotted time;
- Any employee who is not readily available for post-accident testing; or
- Any employee who leaves the scene of an accident without proper authorization.
- 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
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

11.8.4 Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.

11.8.5 Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.

12.0 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Drug and Alcohol Program is administered by Occupational Health Services and is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A)

Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.

13.0 CONFIDENTIALITY OF RECORDS

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Occupational Health provided that the employee has picture identification.

14.0 ATTACHMENT

Addendum A – MRO, SAP, Laboratory Services and GCRTA Administrator
Addendum B – Safety-Sensitive Positions
Addendum C – Random Testing Rates
Addendum D – Laboratory Testing Limits
Addendum E – Drug Testing Procedure
Addendum F – Alcohol Testing Procedure
Addendum G – Life Consequences of Drug Abuse and Alcohol Misuse

This Policy supersedes the following:

Administrative Policy & Procedure 1989-13
Board Resolution 1994-229
Board Resolution 1998-24
Board Resolution 1999-102
Administrative Policy & Procedure 1999-4
Board Resolution 2002-50

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Sandra Fakult M.D., MROCC
Concentra
5500 South Marginal Road
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44119
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 356-3214
(216) 356-3213

Addendum B

Safety-Sensitive Positions

<u>Job Title</u>	<u>Job Classification</u>	<u>FTA Criteria</u>
<u>CRT Operator</u>	<u>137</u>	<u>1</u>
<u>CRT Operator – Part Time</u>	<u>138</u>	<u>1</u>
<u>Laborer (Rail)</u>	<u>152</u>	<u>2</u>
<u>Community Circulator Operator</u>	<u>188</u>	<u>1</u>
<u>Community Circulator Operator – Part Time</u>	<u>189</u>	<u>1</u>
<u>Transit Police Officer – Part Time</u>	<u>336</u>	<u>5</u>
<u>Vehicle Servicer</u>	<u>346</u>	<u>2</u>
<u>Hostler</u>	<u>347</u>	<u>2</u>
<u>Hostler – Part Time</u>	<u>348</u>	<u>2</u>
<u>Laborer (Rail)</u>	<u>352</u>	<u>2</u>
<u>Maintenance Helper only those with RTA required CDLs</u>	<u>358</u>	<u>2</u>
<u>Operator – Full Time</u>	<u>437</u>	<u>1</u>
<u>Operator – Part Time</u>	<u>438</u>	<u>1</u>
<u>Transit Police Officer – Full Time</u>	<u>440</u>	<u>5</u>
<u>Equipment Servicer</u>	<u>442</u>	<u>2</u>
<u>Body Mechanic</u>	<u>446</u>	<u>2</u>
<u>Equipment Mechanic excludes sign shop personnel</u>	<u>447</u>	<u>2</u>
<u>Substation Maintainer</u>	<u>448</u>	<u>4</u>
<u>Signal Maintainer</u>	<u>450</u>	<u>2</u>
<u>Track Maintainer</u>	<u>452</u>	<u>2</u>
<u>Line Maintainer</u>	<u>453</u>	<u>4</u>
<u>Fare Enforcement Officer – Part Time</u>	<u>454</u>	<u>5</u>
<u>Maintainer only those with RTA required CDLs</u>	<u>458</u>	<u>2</u>
<u>Assistant Operating Instructor</u>	<u>511</u>	<u>1</u>
<u>Rail Equipment Body Mechanic</u>	<u>521</u>	<u>2</u>
<u>Rail Equipment Electrician</u>	<u>522</u>	<u>2</u>
<u>Rail Equipment Mechanic</u>	<u>523</u>	<u>2</u>
<u>Rail Brake Mechanic</u>	<u>524</u>	<u>2</u>
<u>Rail Machinist</u>	<u>525</u>	<u>2</u>
<u>Machinist</u>	<u>526</u>	<u>2</u>
<u>Automotive Brake Mechanic</u>	<u>528</u>	<u>2</u>
<u>Heating/Air Conditioning Mechanic</u>	<u>535</u>	<u>2</u>
<u>Transit Police Sergeant</u>	<u>540</u>	<u>5</u>
<u>Equipment Body Mechanic excludes sign shop personnel</u>	<u>541</u>	<u>2</u>
<u>Equipment Electrical Unit Mechanic</u>	<u>542</u>	<u>2</u>
<u>Equipment Electrician</u>	<u>543</u>	<u>2</u>
<u>Equipment Mechanic</u>	<u>545</u>	<u>2</u>
<u>Equipment Repair Leader</u>	<u>547</u>	<u>2</u>
<u>Maintenance Technician only those with RTA required CDLs</u>	<u>548</u>	<u>2</u>
<u>Maintenance Leader only those with RTA required CDLs</u>	<u>549</u>	<u>2</u>
<u>Signal Maintenance Technician</u>	<u>550</u>	<u>2</u>
<u>Special Equipment Operator/Mechanic</u>	<u>552</u>	<u>2</u>

<u>Rail Air Conditioning Mechanic</u>	<u>553</u>	<u>2</u>
<u>CRT Group Leader</u>	<u>554</u>	<u>2</u>
<u>CRT Dispatcher</u>	<u>557</u>	<u>3</u>
<u>Motor Repair Leader</u>	<u>567</u>	<u>2</u>
<u>Service Quality Supervisor</u>	<u>574</u>	<u>3</u>
<u>Service Quality Supervisor Rail</u>	<u>576</u>	<u>3</u>
<u>Power & Way Stock Clerk</u>	<u>589</u>	<u>4</u>
<u>Operations Instructor</u>	<u>611</u>	<u>1</u>
<u>Vehicle Maintenance Instructor</u>	<u>612</u>	<u>2</u>
<u>Fiber Optic Technician</u>	<u>615</u>	<u>4</u>
<u>Lead Fiber Optic Technician</u>	<u>616</u>	<u>4</u>
<u>Assistant Supervisor, Rail Shop</u>	<u>623</u>	<u>2</u>
<u>Electronic Technician</u>	<u>624</u>	<u>2</u>
<u>Zone Supervisor</u>	<u>634</u>	<u>4</u>
<u>Tower Control Supervisor</u>	<u>635</u>	<u>3</u>
<u>Service Quality Supervisor III</u>	<u>636</u>	<u>3</u>
<u>Assistant Section Leader</u>	<u>645</u>	<u>2</u>
<u>Crew Chief</u>	<u>646</u>	<u>2</u>
<u>Assistant Equipment Supervisor</u>	<u>647</u>	<u>2</u>
<u>Substation Maintainer</u>	<u>648</u>	<u>4</u>
<u>Assistant Maintenance Supervisor</u>	<u>649</u>	<u>2</u>
<u>Signal Technician</u>	<u>650</u>	<u>2</u>
<u>Lead Signal Technician</u>	<u>651</u>	<u>2</u>
<u>Assistant Track Supervisor</u>	<u>652</u>	<u>2</u>
<u>Line Maintainer</u>	<u>653</u>	<u>4</u>
<u>Special Equipment Operator/Mechanic Leader</u>	<u>654</u>	<u>2</u>
<u>Lead Line Maintainer</u>	<u>656</u>	<u>4</u>
<u>CRT Road Supervisor</u>	<u>658</u>	<u>4</u>
<u>Lead Substation Maintainer</u>	<u>698</u>	<u>4</u>
<u>Supervisor – Power & Way</u>	<u>762</u>	<u>4</u>
<u>Quality Assurance/Warranty Mechanical</u>	<u>1048</u>	<u>4</u>
<u>Transit Police Lieutenant</u>	<u>1060</u>	<u>5</u>
<u>Assistant Superintendent, CRT Equipment</u>	<u>1069</u>	<u>2</u>
<u>Load Dispatcher</u>	<u>1137</u>	<u>3</u>

<u>Supervisor – Radio Control</u>	<u>1147</u>	<u>3</u>
<u>Supervisor – Signals</u>	<u>1234</u>	<u>4</u>
<u>Supervisor – Traction & Power</u>	<u>1239</u>	<u>2</u>
<u>Supervisor – Overhead</u>	<u>1239</u>	<u>2</u>
<u>Transit Police Commander</u>	<u>1248</u>	<u>5</u>
<u>Rail Traffic Supervisor</u>	<u>1249</u>	<u>3</u>
<u>Rapid Transit Shop Supervisor</u>	<u>1252</u>	<u>4</u>
<u>Section Supervisor</u>	<u>1258</u>	<u>4</u>
<u>Supervisor – Track</u>	<u>1273</u>	<u>4</u>
<u>Deputy Director of Security/Police</u>	<u>1356</u>	<u>5</u>
<u>Director of Security/Chief of Police</u>	<u>1511</u>	<u>5</u>
<u>Supervisor, CBM</u>	<u>1951</u>	<u>2</u>
<u>Supervisor, Rail Shop</u>	<u>1953</u>	<u>2</u>

Supervisor, Signals	1956	2
Student Driver Trainee	9909	1

FTA Criteria Utilized to Identify a Safety-Sensitive Function as Noted in Column 3 of this Addendum

- 1. Operates a revenue service vehicle in or out of service**
- 2. Operates a non-revenue vehicle requiring a CDL**
- 3. Controls dispatch or movement of a revenue service vehicle**
- 4. Maintains a revenue service vehicle or maintains equipment used in revenue service**
- 5. Carries a firearm for security purposes**

Management staff that may perform the above functions at times are also classified as Safety-Sensitive.

Job classifications 447 and 541 include Sign Shop personnel. Sign Shop personnel who perform graphic identification and decal functions but perform no actual mechanical work on the body, interior or components of the coach are exempt as Safety-Sensitive.

Addendum C

Random Testing Rates

Effective each year on January 1 per the Federal Register posting on December of the previous year. The current random drug and alcohol testing rates are as follows:

- At least 50% of the total number of safety-sensitive employees will be drug tested
- At least 10% of the total number of safety-sensitive employees will be alcohol tested

Addendum D

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

<u>Type of Drug or Metabolite</u>	<u>Initial Test Level</u>	<u>Confirmation Test Level</u>
1. <u>Marijuana Metabolites</u> a. <u>THC</u>	<u>50 ng/ml</u>	<u>15 ng/ml</u>
2. <u>Cocaine Metabolites (Benzoylecgonine)</u>	<u>150 ng/ml</u>	<u>100 ng/ml</u>
3. <u>Phencyclidine (PCP)</u>	<u>25 ng/ml</u>	<u>25 ng/ml</u>
4. <u>Amphetamines</u> a. <u>Amphetamine</u> b. <u>Methamphetamine</u> c. <u>MDMA/MDA</u>	<u>500 ng/ml</u>	<u>250 ng/ml (Specimen must also contain amphetamine at a concentration \geq 100 ng/ml)</u> <u>250 ng/ml</u>
5. <u>Opioids Metabolites</u> a. <u>Codeine/Morphine</u> b. <u>6-A cetylmorphine 6-AM (heroin)</u> c. <u>Hydrocodone/Hydromorphone</u> d. <u>Oxycodone/Oxymorphone</u>	<u>2000 ng/ml</u> <u>10 ng/ml</u> <u>300 ng/ml</u> <u>100 ng/ml</u>	<u>2000 ng/ml</u> <u>10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)</u> <u>300 ng/ml</u> <u>100 ng/ml</u>

Reference: 49 CFR Part 40, §40.87, Federal Register, November 13, 2017

Addendum E

Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to provide a specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. The three (3) hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
10. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.
12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels.
13. The custody and control form will be completed with the appropriate signatures, social security number, birth date and current date.
14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three (3) hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically §40.193 and §40.195. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
2. The collection procedure will be discontinued and documented on the custody and control form. The collector must notify Occupational Health and the MRO within 24 hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the custody and control form with the documentation within the 24-hour period.
3. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five (5) days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
4. The employee will be placed on administrative leave pending medical results.
5. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
7. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

Addendum F

Breath Alcohol Collection Process

Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.
5. The employee will select or the BAT will select an individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung".
8. After successful completion of the testing, the employee will be shown the results.
9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.
12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
13. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
14. The BAT will immediately notify Occupational Health of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.
15. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after

receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically §40.265. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Occupational Health.
2. The BAT will direct the employee to continue to attempt to complete the breath alcohol test by utilizing a manual testing method for up to fifteen (15) minutes from the time of the last failed attempt. If GCRTA’s designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within 5 days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety-sensitive functions until the evaluation process is complete.
3. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, additional alcohol testing may be performed under GCRTA authority. The employee will be permitted to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. This testing will be performed under GCRTA’s authority and as non-DOT testing utilizing non-DOT forms. However, standard chain of custody procedures will be carried out throughout the process. The blood will be drawn with sixty (60) minutes of the initial unsuccessful EBT test so as to provide valid results regarding employee’s use of alcohol at the time of the unsuccessful EBT test. The shy lung evaluation required under DOT requirements is in no way impacted by the results of the blood alcohol test. Any actions related to the results of the blood alcohol test are taken under GCRTA authority and do not apply to the results of the shy-lung evaluation conducted according to 49 CFR Part 40 testing requirements.
4. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition, which precludes the EBT test, the employee will be evaluated by a Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four (24) hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP’s recommendations.

5. If the blood test conducted under GCRTA authority is negative and the pulmonary assessment reveals an acceptable medical condition that explains the employee's inability to provide an adequate amount of breath for the EBT test, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.
6. If the pulmonary assessment does not reveal a medical condition to explain the inability of the employee to provide adequate breath for the EBT test, this is considered a positive test under DOT/FTA requirements
7. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

Addendum G

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self-respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone; however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

- | | |
|----------------------------------|---|
| <u>Physical Symptoms:</u> | <u>Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, and changes in appearance after work break.</u> |
| <u>Mood:</u> | <u>Constant depression or anxiety, irritability, suspicion and mood swings.</u> |
| <u>Actions:</u> | <u>Argumentative, excessive sense of self-importance, avoids talking</u> |
| <u>Absenteeism:</u> | <u>Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.</u> |
| <u>Accidents:</u> | <u>Takes needless risks, disregards safety of others, higher-than-average accident rate.</u> |
| <u>Work Patterns:</u> | <u>Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.</u> |
| <u>Relationships:</u> | <u>Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.</u> |

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.

600.032 SUBSTANCE ABUSE POLICY FOR NON-SAFETY SENSITIVE EMPLOYEES

1.0 PURPOSE/SCOPE:

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program for non-safety sensitive employees and provides requirements for non-safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. The Authority requires all employees to be free of drugs and/or alcohol when performing their job duties.

2.0 REFERENCE(S):

This policy is written in conjunction with rules and regulations as defined by:

2.7 49 CFR Part 29, Drug-Free Workplace Act of 1998

2.8 41 USC 701 et. seq., Drug Free Workplace Act of 1988

2.9 GCRTA Employee Performance Code

2.10 Driver's License Requirement Policy 600.08 and Procedure 1700.07

3.0 OBJECTIVES

9.2 To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.

9.3 To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

9.4 To clearly and concisely outline the procedures required to comply with the federal regulations.

4.0 DEFINITIONS

- 4.2. An “**accident**” means an unplanned, unexpected or unintended event that occurs during the conduct of the employer’s business during normal working hours either with an employer-supplied motor vehicle or a personal motor vehicle being used in conducting the employer’s business. An accident may also occur outside of normal business hours for employees assigned and using an employer provided vehicle.
- 4.3. An “**adulterated specimen**” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- 4.4. A “**cancelled test**” is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.
- 4.5. A “**dilute specimen**” has creatinine and specific gravity values that are lower than expected for human urine.
- 4.6. An “**Evidential Breath Testing (EBT) device**” is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.
- 4.7. The term “**intoxicant**” includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term “intoxicant” also includes any other substance that alters one’s senses or could affect one’s ability to function in his/her job.
- 4.8. An “**invalid drug test**” refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- 4.9. The “**Medical Review Officer**” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A)

- 4.10. A “**non-safety sensitive employee**” is any employee at Authority who does not perform a safety sensitive function as defined by the *Substance Abuse Policy for Safety-Sensitive Employees*. The non-safety sensitive employee does not operate a revenue service vehicle , whether in or out of service; operate a non-revenue service vehicle requiring a Commercial Drivers License; control the dispatch or movement of a revenue service vehicle; maintain a revenue service vehicle or equipment used in revenue service or carry a firearm for security purposes.
- 4.11. “**On-Call**” duty is defined as being scheduled for specific after duty hours and the employee must report to duty when called. (Example: Safety Personnel)
- 4.12. The “**Substance Abuse Professional (SAP)**” is a licensed physician, a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A)
- 4.13. A “**substituted specimen**” has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.
- 4.14. A “**verified test**” is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

5.0 POLICY APPLICATION:

This policy applies to all employees who are incumbents in non-safety sensitive positions and to all applicants or employees who may apply for or who may transfer to a non-safety sensitive position.

6.0 CIRCUMSTANCES WHICH WARRANT TESTING:

6.1 All non-safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath or blood sample required) under the following circumstances:

- 6.1.1 Drug testing at the time of the employment physical examination;
- 6.1.2 Drug testing at the time of or during a work-related physical examination;
- 6.1.3 Drug and alcohol as a condition of discipline due to previous offense under the Policy;
- 6.1.2 At any time there is a “reasonable suspicion” of employee drug/alcohol use;
- 6.1.3 At the time of return-to-duty from rehabilitation as determined by the Substance Abuse Professional (SAP);

6.1.4 When an employee requires follow-up testing:

6.1.5 At the time of an accident as described in Section 8.3 of this policy.

6.2 Pre-duty or on-duty use of alcohol: All employees are prohibited from using alcohol or being under the influence of alcohol while performing their job duties. Supervisors with actual knowledge or reasonable suspicion that an employee is using alcohol or is under the influence will not permit the employee to perform or continue to perform his/her job functions. Moreover, supervisors shall complete the necessary documentation for reasonable suspicion for alcohol misuse and send the employee for testing based on the information obtained.

6.2.1 Supervisors will not allow an unscheduled employee to report to duty who acknowledges the use of alcohol. Employees that provide such acknowledgement will not be subject to disciplinary action under this policy.

6.3 On-call employees: The consumption of alcohol is prohibited for employees during his or her specified on-call hours.

6.4 The consumption of any illegal drugs such as marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) and etc. or any other drug that may impair the function of an employee while performing his/her job duties is prohibited at all times and employees may be tested for these substances any time during the performance of their duty as noted in Section 6.1 of this policy.

6.5 Non-safety sensitive employees are not permitted to consume alcohol while performing work within the course and scope of employment, which includes, but is not limited to, on/off site work during normal working hours. Further, the consumption and possession of alcohol is prohibited while on GCRTA property and at any time while driving a GCRTA vehicle.

7.0 SPECIFIC TESTING REQUIREMENTS:

7.1 GCRTA will perform specific drug and alcohol testing that is based on the circumstances identified in Section 6.0 of this policy.

7.2 All drug and alcohol testing will follow proper procedures as noted in Addendum E and F. The standard chain of custody process will be utilized and only non-federal chain of custody forms will be used.

7.3 Each employee tested under GCRTA requirements will be notified of the purpose for the testing.

7.4 A verified positive drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

8.0 TYPES OF TESTING REQUIRED:

8.1 Employment or Pre-Placement Testing: The purpose of pre-employment testing is to identify applicants who may have current drug. The Human Resources Department will send all applicants for employment for drug testing after a

conditional offer of employment. An applicant may not perform job functions until employment drug tests are administered with verified negative results.

8.1.1 In the event drug and/or alcohol tests are considered a “cancelled test” or results are “invalid”, the covered employee or applicant must retake the drug/alcohol test with verified negative results before starting a safety sensitive position.

8.1.2 Applicants who have not been placed in a position within 90 consecutive calendar days of their initial testing will be required to re-take the drug testing and have verified negative results before starting job duties.

8.2 Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of job functions.

8.2.1 Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.

8.2.2 The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

8.2.3 The employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

8.2.4 Alcohol testing must be based on observations and documented as noted in 8.2.2 and shall be performed only while the employee is performing job duties.

8.2.5 If alcohol testing is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document why the testing could not be performed. This documentation will be maintained in Occupational Health.

8.3 Accident Testing: GCRTA will require drug and alcohol testing of an employee who has had or who may have caused/contributed to an on the job accident as identified in Section 4.1 when there is a loss of life or for other non-fatal accidents. Employees operating a GCRTA vehicle that have an accident with the vehicle during or outside of regular business hours will be required to undergo drug and alcohol testing.

8.3.1 The following events will require accident testing:

- A fatality occurs of anyone involved in the accident;
- Bodily injury that requires immediate medical attention;
- Any vehicular damage that requires repair; or
- Any performance or lack of performance of the employee that may have contributed to accident.

8.3.2 The decision to not administer a drug and/or alcohol test shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

8.3.3 Post accident testing will be administered as soon as practicable following the accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the occurrence.

8.3.4 The **drug testing** time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit.

8.3.5 An employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.

8.3.6 The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.

8.3.7 When post accident testing is required based on GCRTA criteria, the collection site will use only non-federal custody and control forms.

8.4 Return to Duty Testing: The purpose of return to duty testing is to provide a degree of assurance that an employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse after rehabilitation.

8.4.1 Whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment meeting the following criteria:

- Has had verified positive drug test result (as noted in Section 11 of this policy)
- Has had a breath alcohol content (BAC) of 0.02 or greater, or
- Has been involved in any other activity that violates this policy including refusal to submit to testing.

- 8.4.2 Return to duty testing cannot occur until the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of his/her duties.
- 8.4.3 Follow-up testing will be performed when an employee returns to work as described in Section 8.4.1. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP.
- 8.4.4 The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Follow-up testing can be continued for up to 60 months after return to work.
- 8.4.5 Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform his/her job duties until testing is completed.
- 8.4.6 A follow up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed test and must be recollected.

9.0 TESTING PROTOCOL

9.1 Alcohol Testing: In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's). The testing equipment must provide triplicate printed results, assign unique and sequential numbers, and print the manufacturer's name for the device, the device's serial number and the time of the test.

- 9.1.1 The EBT must have a manufacturer-developed quality assurance plan approved by the National Highway Traffic Safety Administration (NHTSA) that includes the following requirements:
- A designated method to be used to perform external calibration checks of the device;
 - A specified minimum interval for performing external calibration checks of the device;
 - A specified tolerance on an external calibration check; and
 - A specified inspection, maintenance and calibration requirement.
- 9.1.2 GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one collection site. The BAT will be trained to proficiency in the operation of the EBT. To protect the security of the testing site and

process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and the EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed.

9.1.3 The alcohol testing procedure is located in Addendum D.

9.2 Drug Tests: Urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

9.2.1 The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only certified Health and Human Service (HHS) testing laboratories that utilized state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A)

9.2.2 Under separate contract, specific collection sites are available throughout the Greater Cleveland area that are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection that is required for the safety-sensitive collection process.

9.2.3 In order to protect the security and integrity of the urine collection each collection site will provide a privacy enclosure for urination, a toilet, a suitable, clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Medical Servers on a routine basis to assure integrity of the testing process.

9.2.4 The drug testing procedure is outlined in Addendum C.

9.3 Medical Review Officer: When a drug test result is confirmed as positive, adulterated, substituted, or invalid, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history
- Afford the employee an opportunity to discuss the test result
- Decide whether there is legitimate medical explanation for the result

- Inform the employee that s/he has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.

9.3.1 An employee may request a split sample by calling Occupational Health at ((216) 356-3214 or (216) 356-3213. If there is no answer, the employee will leave a voice mail message. Occupational Health will contact the employee to obtain the required written verification and payment for testing. The Medical Review Officer will be notified by Occupational Health that the employee has requested split sample testing.

9.3.2 Medical Review Officer services are provided by contract with a certified physician who meets national qualification standards for substance abuse evaluation.

9.4 Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning when:

- The collector identifies an attempt to alter a specimen has occurred;
- The collector identifies an attempt to tamper with a specimen;
- A specimen is reported as invalid because there is no adequate medical explanation for the result;
- When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
- The temperature of the specimen falls out of the range of 90 - 100° F.
- Direct observation will NOT be performed when recollection is to occur for a dilute sample.

9.5 Observation in all instances will be made by the same sex. Observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.

10.0 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.02 or greater.

10.4 When positive drug results are received from the MRO, Medical Services will immediately notify authorized supervisor(s). The covered employee will be immediately removed from the duty. The appropriate disciplinary action will be implemented as outlined by this policy.

10.5 When a positive alcohol result of 0.02 or greater has been confirmed by BAT, the employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The employee will not be

permitted to drive his/her own vehicle and an alternate means of transportation will be utilized.

10.6 If an employee refuses to submit to drug or alcohol testing, the employee will be removed from his/her job duties and appropriate disciplinary action will be implemented as outlined by this policy.

11.0 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL

The GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

11.1 GCRTA requires of all employees to be free of drugs and alcohol when performing his/her job duties. Any employee with a verified positive drug test; an alcohol concentration of 0.02 or greater; or refuses to submit to testing will be removed from his/her job duties and must be evaluated by a Substance Abuse Professional (SAP).

11.2 Disciplinary Consequences for Positive Alcohol: When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

a) Employees with less than 6 months service: Immediate Discharge

b) Employees with greater than 6 months of service:

BAC of 0.02 or less Any value less than 0.02 is considered a negative test.

BAC of 0.02% to 0.079% First Offense: 30 calendar day conditional suspension.

An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven (7) days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with an alcohol result of less than 0.02%, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.

Second Offense under this policy within a 3 year period: Immediate Discharge

BAC OF 0.08% or higher Immediate Discharge

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in Immediate discharge.

11.4 Disciplinary Consequences For Positive Marijuana-Related Substances:

a) Job Applicants Not Hired

b) Employees with less than 6 months of service: Immediate Discharge

c) Employees with more than 6 months service:

First Offense will result in a thirty (30) calendar day conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven (7) days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with a negative result, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

In the event that an employee tests positive for marijuana in a return to work test, s/he

shall be conditionally suspended for an additional thirty (30) calendar days subject to the conditions set forth above. In the event the employee fails his/her second return to work drug test, s/he shall be immediately discharged.

An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.

Second Offense: Immediate discharge within three (3) year period following first offense.

11.4 Disciplinary Consequences for Prohibited Drugs: (not including marijuana or prescription drugs) Prohibited drugs are cocaine, opiates, phencyclidine and amphetamines, and the following applies:

- a) Job Applicants Not Hired
- b) Employees: Immediate discharge for reasonable suspicion, post
accident, and pre-placement testing.

c) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result.

d) The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

11.5 Disciplinary Consequences for Prescription Drugs: In accordance with GCRTA requirements, the following applies:

- a) Job Applicants When the applicant tests positive for a prescription drug which may affect his/her ability to perform the applicant's proposed job duties, s/he will not be considered for employment unless Human Resources has received the following information prior to testing:

- Notification of the use of the prescription drug
- A doctor's letter indicating the applicant's ability to perform his/her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.

b) Employees:

When an employee tests positive for a

prescription drug which may affect his/her ability to perform the employee's job duties, s/he will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his/her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

11.6 Disciplinary Consequences for Testing Positive for Any Intoxicant: such as hypnotics, barbiturates, hallucinogens, etc.

a) Job Applicants: Not hired

b) Employees: Immediate Discharge

11.7 Disciplinary Consequences for A Driver's Licenses Suspension Due To a DUI Conviction: This provision is in effect for employees that are covered by the Driver's License Requirement Policy and drive a non-revenue or company vehicle. In cases of driver's license suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven (7) calendar days of the suspension and provide proof of contact to his/her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Requirement Policy)

11.8 Other Disciplinary Consequences:

11.8.1 The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

11.8.2 Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his supervisor no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

11.8.3 The following behavior constitutes a refusal to submit to drug and alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign the testing forms;
- Any employee who refuses to submit to a direct observation collection;
- Declination by an employee to submit to a second test when requested by the Authority or the collector;
- Failure of the employee to remain at the testing site until collection is complete
- Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of 3 hours and up to 40 ounces of water;
- Any employee who has a verified adulterated or substituted test result;
- Failure to undergo a medical examination or evaluation for either shy bladder or shy lung;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician;
- Refusal by an employee who normally voids by utilization of self-catheterization but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc in a secured location prior to obtaining a specimen;
- Any employee who does not report to the collection site in the allotted time;
- Any employee who is not readily available for post accident testing; or

- Any employee who leaves the scene of an accident without proper authorization.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

11.8.4 Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.

11.8.5 Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only “enables” the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee’s suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.

12.0 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Drug and Alcohol Program is administered by the Manager, Occupational Health. GCRTA’s Occupational Health Services is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A)

Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.

13.0 CONFIDENTIALITY OF RECORDS

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee’s confidentiality of results. Results will be mailed to the employee’s home address or the employee may pick up results in person in Occupational Health provided that the employee has a picture identification. Results of drug and alcohol testing will not be released to outside entities or any third party without the written consent of the employee.

14.0 ATTACHMENT

Addendum A – MRO, SAP, Laboratory Services and GCRTA Administrator
Addendum B – Laboratory Testing Limits
Addendum C – Drug Testing Procedure
Addendum D - Alcohol Testing Procedure
Addendum E – Life Consequences of Drug Abuse and Alcohol Misuse

This Policy supercedes all previous policies and procedures.

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Sandra Fakult M.D., MROCC
Concentra
5500 South Marginal Road
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44114
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 356-3214
(216) 356-3213

Addendum B

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits mirror federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

<u>Type of Drug or Metabolite</u>	<u>Initial Test Level</u>	<u>Confirmation Test Level</u>
3. <u>Marijuana Metabolites</u> a. <u>THC</u>	<u>50 ng/ml</u>	<u>15 ng/ml</u>
4. <u>Cocaine Metabolites</u> (<u>Benzoyllecgonine</u>)	<u>150 ng/ml</u>	<u>100 ng/ml</u>
3. <u>Phencyclidine (PCP)</u>	<u>25 ng/ml</u>	<u>25 ng/ml</u>
4. <u>Amphetamines</u> d. <u>Amphetamine</u> e. <u>Methamphetamine</u> f. <u>MDMA/MDA</u>	<u>500 ng/ml</u>	<u>250 ng/ml (Specimen must also contain amphetamine at a concentration \geq 100 ng/ml)</u> <u>250 ng/ml</u>
5. <u>Opioids Metabolites</u> e. <u>Codeine/Morphine</u> f. <u>6-A cetylmorphine 6-AM</u> (<u>heroin</u>) g. <u>Hydrocodone/Hydromorphone</u> h. <u>Oxycodone/Oxymorphone</u> i. _____	<u>2000 ng/ml</u> <u>10 ng/ml</u> <u>300 ng/ml</u> <u>100 ng/ml</u>	<u>2000 ng/ml</u> <u>10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)</u> <u>300 ng/ml</u> <u>100 ng/ml</u>

Addendum C

Urine Specimen Collection Process

Urine specimen collection Outlined below is the collection procedure. The testing process will begin upon entry to the collection site without undue delay.

15. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
16. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
17. The collection process will be explained to the employee.
18. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
19. Prior to collection of the specimen, Step 1 of the chain of custody will be completed by the collector.
20. The employee will then be instructed to wash and dry his or her hands.
21. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
22. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to complete drug and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
23. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
24. The collector will pour or "split" the sample of at least 15 ml in a separate collection bottle and leave the remaining specimen in the original container. This process will be performed before the employee.
25. Both bottles will be sealed and labeled in the presence of the employee. After the specimen has been labeled, the employee will initial the bottle labels.
26. The chain of custody form will be completed with the appropriate signatures, social security number, birth date and current date.
27. The appropriate portion of the chain of custody form along with the primary sample and the split sample will be place in a single shipping container, initialed by the collector and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml. of urine within three (3) hours and being provided no more than 40 ounces of water. Outlined below is the process that will be utilized:

8. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
9. The collection procedure will be discontinued and documented on the chain of custody. The collector must notify Occupational Health and the MRO within 24 hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the chain of custody with the documentation within the 24 hour period.
10. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician within five (5) days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
11. The employee will be placed on administrative leave pending medical results.
12. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
13. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
14. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

Addendum D

Breath Alcohol Collection Process

Breath alcohol testing. Outlined below is the testing procedure. The testing process will begin upon entry to the collection site without undue delay.

16. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
17. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
18. After testing procedures are explained to the employee, the BAT will complete Step 1 of the Alcohol Testing Form and the employee will complete Step 2 and sign the certification.
19. The employee will select or the BAT will select an individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
20. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
21. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung".
22. After successful completion of the testing, the employee will be shown the results.
23. When the results of the test are an alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
24. When the results of the test are an alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
25. During the waiting period for confirmation testing, the employee will not be permitted to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the testing form.
26. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
27. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
28. The BAT will immediately notify Occupational Health of results greater than 0.02 and send hard copy confidentially by U.S. Mail or courier.
29. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. Outlined below is the process that will be utilized.”

8. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Occupational Health.
9. The BAT will direct the employee to continue to attempt to complete the breathalyzer by utilizing a manual testing method for up to fifteen (15) minutes from the time of the last failed attempt. If GCRTA’s designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within 5 days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.
10. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, GCRTA will permit the employee to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. The blood will be drawn with sixty (60) minutes of the initial breathalyzer test so as to provide valid results regarding employee’s use of alcohol at the time of the breathalyzer test.
11. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition which precludes the breathalyzer test, the employee will be evaluated the Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four (24) hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP’s recommendations.
12. If the additional manual breath test(s) or blood test is negative, but the pulmonary assessment reveals a medical condition, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy if applicable, or other leave policies as needed.
13. If the pulmonary assessment does not reveal a medical condition, but the additional manual breath test (s) or blood alcohol test reveal alcohol concentration of 0.02 or above, the employee will be subject to the procedures and penalties outlined in this policy.
14. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical

explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

Addendum E

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone; however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.

Mood: Constant depression or anxiety, irritability, suspicion and mood swings.

Actions: Argumentative, excessive sense of self-importance, avoids talking

Absenteeism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.

Accidents: Takes needless risks, disregards safety of others, higher-than-average accident rate.

Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.

Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.

RESOLUTION NO. 2021-67

REMOVING SECTIONS 648.02 AND 648.03 FROM THE CODIFIED RULES AND REGULATIONS ("CODE") OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, MOVING CHAPTERS 626 AND 627 OF THE CODE TO THE PERSONNEL POLICIES AND AMENDING SECTION 600.03 OF THE PERSONNEL POLICIES TO INCLUDE CHAPTERS 626 AND 627 FROM THE CODE

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, pursuant to Resolution No. 1990-027, the Board of Trustees of the Authority adopted the Personnel Policies and Procedures Manual ("Manual") and has revised it from time to time, most recently in 2013 pursuant to Resolution No. 2013-095; and

WHEREAS, the Authority has conducted a review and determined that Sections 648.02 and 648.03 of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority ("Code") duplicate Sections 600.02 and 600.03 of the Personnel Policies and that Sections 648.02 and 648.03 should be removed from the Code while retaining Sections 600.02 and 600.03 in the Personnel Policies; and

WHEREAS, it is also recommended that Chapters 626 and 627 of the Code should be removed from the Code and incorporated into Section 600.03 of the Personnel Policies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Chapters 626 and 627 and Sections 648.02 and 648.03 are hereby removed from the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority.

Section 2. That Sections 600.02 and 600.03 of the Personnel Policies as set forth in the attachment which is fully incorporated herein be and are hereby adopted.

Section 3. That all other provisions of the Personnel Policies not expressly revised herein shall remain in full force and effect.

Section 4. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 5. That this resolution shall become effective immediately upon its adoption.

Attachment: A. Personnel Policies Sections 600.02 and 600.03

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer

Attachment A to Resolution

600.02 DRUG-FREE WORKPLACE.

The Drug Free Workplace Act requires that grantees of Federal agencies certify that they will provide a drug free workplace. It applies to all employees within the Authority and contractors engaged in the performance of a grant or a cooperative agreement regardless if the functions are safety-sensitive or non-safety sensitive in nature. Accordingly, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace and/or outside GCRTA workplace is required to notify his/her supervisor in writing no later than five working days following his/her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

600.03 SUBSTANCE ABUSE.

It is the policy of the Greater Cleveland Regional Transit Authority ("GCRTA") to provide the safest possible transportation for the riding public and work environment for its employees. Toward that end the GCRTA has two substance abuse policies. One policy is for safety sensitive employees and one is for non-safety sensitive employees.

For safety sensitive employees, the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with FTA requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to specific testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.

For non-safety sensitive employees, the policy requires such employees to submit to testing for the presence of drugs and/or alcohol at the time of a post-employment offer physical exam; any work related physical exam; when there is reasonable suspicion; and as a condition of discipline for previous offenses under the policy.

The Authority encourages participation in the Employee Assistance Program (EAP) for those employees who are plagued by problems associated with drugs or alcohol. Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

For more information, refer to the Substance Abuse Policy for Safety Sensitive Employees and Substance Abuse Policy for Non-Safety Sensitive Employees.

600.031 SUBSTANCE ABUSE POLICY FOR SAFETY-SENSITIVE EMPLOYEES

1.0 PURPOSE/SCOPE:

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, the Authority requires all safety-sensitive employees to submit to testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety-sensitive function.

2.0 REFERENCE(S):

This policy is written in conjunction with rules and regulations as defined by:

- 2.1 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule, Federal Register (pp. 79462 –79579); December 19, 2000; Federal Register (pp.43946 – 43964) July 25, 2003; Federal Register (pp. 52229 – 52247) November 13, 2017
- 2.2 49 CFR Part 655; Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, Final Rule, Federal Register (pp. 41996 – 42036), August 9, 2001; Federal Register (pp. 63812-63813) December 12, 2018
- 2.3 49 CFR Part 29, Drug-Free Workplace Act of 1998
- 2.4 FTA Drug and Alcohol Regulation Updates
- 2.5 GCRTA Employee Performance Code
- 2.6 Federally mandated laboratory testing limits (Addendum D)

3.0 OBJECTIVES

- 3.1 To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.
- 3.2 To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

- 3.3 To clearly and concisely outline the procedures required to comply with the federal regulations.

4.0 DEFINITIONS

- 4.1 “Accident” means an occurrence associated with the operation of a vehicle, if as a result:
- 4.1.1. An individual dies; or
 - 4.1.2. One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
 - 4.1.3. An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - 4.1.4. An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.
- 4.2 “Adulterated Specimen” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- 4.3 A “Cancelled Test” is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.
- 4.4 “Contractor” means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.
- 4.5 A “Covered Employee” means a person, including an applicant or transferee, who performs a safety-sensitive function. A volunteer is considered a covered employee if required to hold a commercial driver’s license to operate a vehicle or to perform a safety-sensitive function with the expectation of receiving some type of in-kind or tangible benefit.
- 4.6 A “Dilute Specimen” has creatinine and specific gravity values that are lower than expected for human urine.
- 4.7 “Disabling Damage” is defined as “damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair”. This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.

- 4.8 An “Evidential Breath Testing (EBT) Device” is defined as a breath- testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.
- 4.9 The term “Intoxicant” includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opioids such as 6-Acetylmorphine 6-AM (heroin), codeine/morphine, methadone, hydrocodone/hydromorphone, oxycodone/oxymorphone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term “intoxicant” also includes any other substance that alters one’s senses or could affect one’s ability to function in his/her job.
- 4.10 An “Invalid Drug Test” refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- 4.11 “Medical Review Officer” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A)
- 4.12 A “Safety-Sensitive Employee” is one who is required to perform safety-sensitive functions based on specific job criteria:
- 4.12.1 Operates a revenue service vehicle (in or out of service)
 - 4.12.2 Operates a non-revenue service vehicle requiring a Commercial Driver’s License
 - 4.12.3 Controls dispatch or movement of a revenue service vehicle
 - 4.12.4 Maintains a revenue service vehicle or maintains equipment used in revenue service
 - 4.12.5 Carries a firearm for security purposes
- 4.13 The “Substance Abuse Professional (SAP)” is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required

number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A)

- 4.14 A "Substituted Specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.
- 4.15 A "Verified Test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

5.0 POLICY APPLICATION:

- 5.1 This policy applies to all employees who are incumbents in safety-sensitive positions, and to all applicants or employees who may apply for or who may transfer to a safety-sensitive position.
- 5.2 The Human Resources Department maintains a list of safety-sensitive classifications. This list is updated as required when classifications are added or eliminated. (See Addendum B for a list of safety-sensitive classifications)

6.0 CIRCUMSTANCES WHICH WARRANT TESTING:

According to the FTA regulations, all safety-sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required).

- 6.1 FTA requires drug and alcohol testing to be performed under the following circumstances:
 - 6.1.1 Employment drug testing or prior to the transfer of any employee from a non-safety sensitive position to a safety-sensitive position;
 - 6.1.2 When there is a "reasonable suspicion" of employee drug/alcohol use;
 - 6.1.3 When an employee is involved in a fatal or non-fatal accident under FTA criteria; as described in Section 8.4 of this Policy;
 - 6.1.4 When an employee is selected for random testing;
 - 6.1.5 Following the successful completion of a SAP determined rehabilitation program for return-to-duty testing (see policy section 8.5);
 - 6.1.6 When an employee is subject to follow-up testing as specified by a SAP. (See Policy Section 8.5)
- 6.2 GCRTA will require testing under the following circumstances:
 - 6.2.1 Drug and alcohol testing as a condition of discipline due to previous offense under this Policy;
 - 6.2.2 Drug and alcohol testing when an employee is involved in a non-fatal accident not covered under FTA testing requirements but meets GCRTA criteria as described in Section 8.4 of this policy.

- 6.2.3 Drug testing at the time of, or during a work-related physical examination such as a biennial physical.
- 6.3 Pre-duty use of alcohol: All covered employees are prohibited from using alcohol within 4 hours prior to performing safety-sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within 4 hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. Documentation for reasonable suspicion for alcohol misuse should be completed and testing performed based on the information obtained.
 - 6.3.1 An unscheduled employee who is called to report to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.
 - 6.3.2 If the unscheduled employee acknowledges the use of alcohol, but claims ability to perform a safety-sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.
- 6.4 On-call employees: The consumption of alcohol is prohibited for covered employees during his or her specified on call hours.
- 6.5 On duty use of alcohol: All covered employees are prohibited from using alcohol while performing safety-sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety-sensitive functions.
 - 6.5.1 Covered employees with an alcohol concentration of 0.02 or greater are prohibited from reporting for duty to perform a safety-sensitive function or remaining on duty while performing a safety-sensitive function.
- 6.6 The consumption of marijuana, cocaine, amphetamines, opioids and phencyclidine, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.
- 7.0 SPECIFIC TESTING REQUIREMENTS:
 - 7.1 Federal drug and alcohol testing must be conducted completely separately from non-federal testing. Further, federal testing will take priority over the non-federal collection process.
 - 7.2 No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.
 - 7.3 GCRTA will perform specific drug and alcohol testing that is based on non-related DOT criteria.
 - 7.4 A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

- 7.5 DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will not be used when testing is requested under GCRTA authority.
- 7.6 Each employee tested under Federal or GCRTA requirements will be notified of the purpose for the testing and under whose authority the test is being conducted.

8.0 TYPES OF TESTING REQUIRED:

- 8.1 Employment or Pre-Placement Testing: The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety sensitive position to a safety-sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined 49 CFR part 40 and will direct applicants/transferring employees to have drug testing after a contingent offer of employment or transfer. A covered employee, including an applicant, may not perform a safety-sensitive function until employment drug testing is administered with verified negative results.
 - 8.1.1 Human Resources will investigate drug and alcohol testing records of all applicants for safety-sensitive positions and employees intending to transfer to safety-sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.
 - 8.1.2 When a covered employee or applicant has previously failed employment drug or alcohol testing, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.
 - 8.1.3 An employee may not transfer to a safety-sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.
 - 8.1.4 In the event a drug test is considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug test with verified negative results before starting a safety-sensitive position.
 - 8.1.5 Applicants who have not been placed in a safety-sensitive position within 90 consecutive calendar days of their initial employment testing will be required to re-take the drug test and have verified negative results before starting a safety-sensitive position.
 - 8.1.6 Employment testing will also be performed whenever a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in the random selection pool during that time. The employee may resume safety-sensitive duties after a verified negative drug result.

- 8.2 Random Testing: The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.
- 8.2.1 All safety-sensitive employees are required to participate in the random testing program for drugs and alcohol. The GCRTA will test safety-sensitive employees in accordance with FTA regulated percentages. (See Addendum C of this Policy)
- 8.2.2 Random testing is required by FTA to be conducted during all time periods when safety-sensitive functions are performed and shall be unannounced and unpredictable. Since GCRTA operates 24 hours a day, seven (7) days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.
- 8.2.3 A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.
- 8.2.4 GCRTA utilizes a random selection process that is performed in two steps. Step one is performed by GCRTA's contracted medical provider who receives the average number of safety-sensitive employees in the random pool and generates a list of random numbers using a computer-based random number generator program. Step two is performed by GCRTA's Occupational Health who enters the selected numbers into a computer-based random selection program. GCRTA's random computer program assures that each employee is assigned a different random number each day in the selection period. Thus, each covered employee shall have an equal chance of being tested every day random testing is performed. To assure that the random program is protected from unofficial entry, the computer program has limited access to key personnel at each district and only department specific information is available to those persons. To maintain confidentiality and assure the integrity of the random program, access to all other computer information and data is limited to Occupational Health personnel only.
- 8.2.5 As required by FTA regulation the random notification and testing process occurs throughout the workday and throughout the selection period. GCRTA's random testing number selection is made once a week and entered into the computer every Friday. Authorized personnel may access the Random Testing Program daily to ascertain the employee(s) from their area that have been selected for random testing for the day.
- 8.2.6 If the employee is available for testing during their work shift, the safety-sensitive employee will be informed that s/he has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety-sensitive function and will be

immediately transported for testing. It is the policy of GCRTA to transport the employee to the collection site. Once testing is completed, the employee may be required to utilize public transportation to return to their assigned district. The employee will follow the procedures established by his or her district whenever this method of return to work is required. Instances of employees violating the established procedures will be investigated and disciplinary action may be taken.

8.2.7 When an employee is not available for random testing on the day of selection, the employee should be tested during their next available shift as long as the test can be performed within the selection week (i.e.: Saturday through Friday).

8.2.8 Every effort will be made to test the individual that has been selected within the selection week. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. In the event an employee is selected who is on long-term absence or is on vacation during the selection week, Occupational Health will be notified and a replacement number may be selected.

8.3 Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of safety-sensitive functions.

8.3.1 Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

8.3.2 The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

8.3.3 The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

8.3.4 Alcohol testing must be based on observations and documented as noted in 8.3.2 and testing shall be performed only if the observations were made while the covered employee was performing safety-sensitive functions, just before the employee was to perform safety-sensitive functions or just after the employee had ceased performing such functions.

8.3.5 If alcohol testing is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be maintained in Occupational Health. If a test is not administered within 8 hours following the determination to test,

GCRTA will cease attempts to administer the test and a statement will be added to the reasonable suspicion document explaining why testing could not be conducted within 8 hours.

- 8.4 Post-Accident Testing: The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post-accident testing is mandatory where there is a loss of life and for some non-fatal accidents. In the event of a non-fatal accident, according to the FTA, the burden rests with the Authority to prove that an employee did not contribute to the accident and therefore can be dismissed from testing. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.
- 8.4.1 In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing. In addition, all other covered employees whose performance may have contributed to the accident, as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- 8.4.2 In the event of a non-fatal accident, FTA drug and alcohol testing is required when one or more individuals suffer bodily injury and immediately receive medical treatment away from the scene of the accident; when a bus, paratransit vehicle or any vehicle involved receives disabling damage; or a rail car is removed from service for disabling damage. All covered employees operating or on duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by the Authority as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- 8.4.3 The decision to not administer a drug and/or alcohol test under FTA guidelines shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.
- 8.4.4 The FTA specifically requires that post-accident testing be administered as soon as practicable following the accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post-accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the occurrence.

- 8.4.5 The **drug testing** time limit is a maximum of 32 hours post-accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit. Testing time limits for drug and alcohol collection apply to FTA and to GCRTA post-accident testing.
- 8.4.6 A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.
- 8.4.7 The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.
- 8.4.8 The Authority may use the post-accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by GCRTA. Such test results may be used only when GCRTA is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).
- 8.4.9 If FTA post-accident testing criteria is not applicable, GCRTA will perform non-DOT post-accident drug and alcohol testing. Testing will occur when there has been property damage that requires repair or personal injury that is evident at the time of the occurrence, unless the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the decision.
- 8.4.10 FTA mandated testing takes precedence over GCRTA required testing. The criteria to perform FTA post-accident testing will be satisfied before consideration is given to utilize GCRTA criteria. When post-accident testing is required based on GCRTA criteria, the collection site will use only non-Federal drug and alcohol testing custody and control forms.
- 8.5 Return to Duty Testing: The purpose of return to duty testing is to provide a degree of assurance that a safety-sensitive employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse.
- 8.5.1 According to FTA regulations, whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment in a safety-sensitive classification meeting the following criteria:
- Has had verified positive drug test result,
 - Has had a breath alcohol concentration (BAC) of 0.04 or greater, or

- Has been involved in any other activity that violates the regulations including refusal to submit to testing.

8.5.2 Return to duty testing cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

8.5.3 Follow-up testing will be performed when an employee returns to work as described in Section 8.5.1. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP. Under GCRTA policy, an employee testing positive for any prohibited substance within three (3) years of the original positive test will result in discharge.

8.5.4 The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six (6) follow-up tests in the first twelve (12) months following the employee's return to safety-sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to 60 months after return to work. The SAP, following completion of the mandatory requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.

8.5.5 Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety-sensitive functions. Further, the requirements of the SAP's follow-up testing plan "follow the employee" to subsequent employers or through breaks in service.

8.5.6 A follow up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected.

9.0 TESTING PROTOCOLS

9.1 Alcohol Testing: Breath alcohol testing will be conducted on safety-sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, print the manufacturer's name for the device, the device' serial number and the time of the test.

9.1.1 The EBT must have a manufacturer-developed quality assurance plan approved by NHSTA that includes the following requirements:

- A designated method to be used to perform external calibration checks of the device; and
- A specified minimum interval for performing external calibration checks of the device; and
- A specified tolerance on an external calibration check; and
- A specified inspection, maintenance and calibration requirement

9.1.2 GCRTA will only utilize certified Breath Alcohol Technicians (BAT), which allows the performance of the screening and confirmation test to be performed at one site. The Breath Alcohol Technician (BAT), will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by the 49 CFR Part 40, Subpart J. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.

9.1.4 With the exception of post-accident testing, the testing for alcohol is only permissible just before an employee performs safety-sensitive duties, during that performance or just after an employee has performed covered duties. FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.

9.1.5 The alcohol testing procedure is outlined in Addendum F.

9.2 Drug Tests: Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opioids, phencyclidine and amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. In the event these optional tests are to be performed, they will be performed separately from FTA required testing under GCRTA authority and with non-federal testing forms. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

9.2.1 The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.

- 9.2.2 Under separate contract, specific collection sites are available throughout the Greater Cleveland area that meet DOT 49 CFR Part 40 requirements, are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.
- 9.2.3 Collection procedure requires that only Federal drug testing custody and control forms be used for DOT mandated test and non-federal urine custody forms for GCRTA defined testing. Drug testing performed under GCRTA authority will be for the same five drugs which include testing for marijuana, cocaine, opioids, phencyclidine, amphetamines, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA as defined by DOT in 49 CFR Part 40.
- 9.2.4 Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E) In order to protect the security and integrity of the urine collection each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Occupational Health on a routine basis to assure integrity of the testing process.
- 9.2.5 GCRTA has the right to test for drugs other than those mandated by FTA/DOT (ex: marijuana, cocaine, amphetamines, opioids and phencyclidine, 6-Acetylmorphine 6-AM (heroin), and MDMA/MDA). In the event the GCRTA chooses to test for other drugs, the test must be performed separately from the FTA testing and the FTA test must be performed first. Separate urine specimens must be obtained from the employee and separate custody and control forms must be processed. A standardized Federal drug testing custody and control form cannot be used. Employees must be notified whether they are being tested under the FTA required program or the GCRTA program.
- 9.3 Medical Review Officer: In accordance with FTA regulations, when a test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:
- Review the individual's medical history
 - Afford the employee an opportunity to discuss the test result
 - Decide whether there is legitimate medical explanation for the result
 - Inform the employee that s/he has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.
 - Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request.

- Inform the employee that if the request is made within this 72-hour timeframe that GCRTA will ensure that the testing will occur.
- Inform the employee that the cost of the testing is not required to be paid by the employee but GCRTA may request reimbursement.
- Inform the employee that additional test of the specimen (e.g.: DNA testing) are not authorized.
- If split sample testing has been requested, inform the employee to contact Occupational Health at (216) 356-3214 or (216) 356-3213 to complete the necessary paperwork for split sample testing to be performed.

9.3.4 Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum A)

9.4 Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:

- The collector identifies an attempt to alter a specimen has occurred;
- The collector identifies an attempt to tamper with a specimen;
- A specimen is reported as invalid because there is no adequate medical explanation for the result;
- When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
- The temperature of the specimen falls out of the range of 90 - 100° F.
- Observed collection will be performed under FTA requirements when the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FTA regulation as a return to duty or SAP follow-up test.

9.5 Dilute Specimen Procedure: When informed by the MRO that positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. However, when informed by the MRO that a negative test was dilute, the following action will be taken:

- Recollection will be performed immediately under direct observation if the MRO verifies that the specimen was considered “substituted”.
- If the specimen is dilute, but not “substituted, recollection will be performed immediately. Unless specified by the MRO or other behaviors have been observed as noted in 9.4 of this policy, recollections will NOT be observed.

9.6 Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA’s Occupational Health of the occurrence to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.

10.0 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.04 or greater.

- 10.1 When positive drug results are received from the MRO, Occupational Health will immediately notify authorized supervisors. The covered employee will be immediately removed from the safety-sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.
- 10.2 When a positive alcohol result of 0.04 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.
- 10.3 If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety-sensitive position and appropriate disciplinary action will be implemented as outlined by this policy.

11.0 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL

Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer. Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

11.1 GCRTA requires of all employees to be free of drugs and alcohol when performing a safety-sensitive function. FTA requires that any safety-sensitive employee with a verified positive drug test; a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be immediately removed from performing all safety-sensitive functions and must be evaluated by a Substance Abuse Professional (SAP).

11.2 Disciplinary Consequences for Positive Alcohol: When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

a) Probationary Employee Immediate Discharge

b) Non-Probationary Employee:

BAC of 0.08 or greater First Offense: Immediate Discharge

BAC OF 0.04 – 0.079 The FTA regulations prohibit an employee with an alcohol concentration of 0.04 or greater to perform a safety-sensitive duty until s/he has been evaluated by a SAP and has passed a return to duty test. First Offense will result in a thirty (30) calendar day conditional suspension with referral to SAP. The employee must participate in the program prescribed by the

SAP and must undergo a follow-up test and test less than 0.02 prior to returning to a safety-sensitive function. The failure to comply with the SAP's treatment will result in discharge. Return to work drug/alcohol testing must reveal negative results. Should the employee test 0.02 or more on the return to work test, the employee will be subject to discipline, up to and including discharge.

Second Offense within Three (3) Years:
Discharge

BAC OF 0.02 – 0.039

In the event that an employee has a breath alcohol concentration of 0.02 or greater but less than 0.04 and the employee is required to return to a safety-sensitive position **BEFORE** eight (8) hours, FTA requires breath alcohol re-testing. The breath alcohol concentration must be less **than** 0.02 before the employee may perform a safety-sensitive function.

However, in the event the employee is NOT REQUIRED to return to a safety-sensitive position BEFORE eight (8) hours, the following GCRTA policy will be followed:

Immediately remove the employee from the safety-sensitive position for eight (8) hours. When an employee has been removed from a safety-sensitive position for at least eight (8) hours after a BAC of 0.02 or greater, but less than 0.04, the employee will be required to undergo a second test with a result below 0.02 BAC prior to being permitted to return to performing their safety-sensitive function.

- Should the employee again test 0.02 or greater but less than 0.04 BAC, the employee will be referred for SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority with a test level less than 0.02 BAC prior to being returned to a safety-sensitive function. Failure to comply with the

SAP's recommended treatment program will result in discharge.

- Should the employee again fail to test less than 0.02 BAC, the employee will be subject to discipline up to and including discharge.

Second Offense within a Three (3) Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in a thirty (30) day conditional suspension and SAP referral. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority and test less than 0.02 BAC prior to returning to a safety-sensitive function. The failure to comply with the SAP's treatment will result in discharge.

Third Offense within a Three (3) Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in discharge.

BAC of 0.02 or less

Any breath alcohol concentration value less than 0.02 is considered a negative test result.

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

11.3 Disciplinary Consequences for Positive Marijuana-Related Substances:

- | | |
|------------------------------|---|
| a) Job Applicants | Not Hired |
| b) Probationary Employee | Immediate Discharge |
| c) Non-Probationary Employee | <u>First Offense</u> will result in a thirty (30) calendar day conditional suspension; SAP referral; EAP participation and completion of follow-up treatment; return to work drug/alcohol testing with negative results. In no event will an employee be eligible to return to work less than thirty (30) days after the failed test. |

Failure to meet the above conditions other than failure of a return to work test, the employee is subject to immediate discharge. In the event that an employee

Employee: When an employee tests positive for a prescription drug which may affect his/her ability to perform the employee's job duties, s/he will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his/her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. Please be advised there is a Prescription Drug Disclosure Form that a physician may complete and is located on the GCRTA Intranet. If an employee is required to use prescription drugs, the employee must submit the Prescription Drug Disclosure Form from their physician on a yearly basis. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

11.6 Disciplinary Consequences for Testing Positive for any Intoxicant during a Work Related Physical Examination (biennial, return-to-work, etc.) will be as follows:

- a) First Offense: The employee will be conditionally suspended for thirty (30) calendar days. An employee suspended under this section will be referred to the SAP and must participate and complete in follow-up treatment as prescribed by the SAP. Failure to comply with the SAP's treatment will result in discharge.
- b) Second Offense: Immediate Discharge
- c) In no event will an employee be eligible to return to work less than thirty (30) calendar days after the failed work related physical examination test. Furthermore, following completion of treatment prescribed by the SAP, the employee shall be required to submit to a physical examination and drug testing prior to returning to work and participate in follow-up treatment prescribed by the SAP. The Authority also reserves the right to subject the

employee to unannounced drug testing in addition to regular random testing stated herein, as prescribed by the SAP following the employee's return to work. In accordance with the agreement between ATU Local 268 and GCRTA on 7/17/97, employees covered by ATU will be required to pay all costs for each unannounced drug/alcohol test. An employee who fails to meet any of the conditions set forth above is subject to immediate discharge.

11.7 Disciplinary Consequences for A Commercial Driver's Licenses Suspension Due To a DUI Conviction: In cases of suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven (7) calendar days of the suspension and provide proof of contact to his/her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Policy)

11.8 Other Disciplinary Consequences:

11.8.1 The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

11.8.2 Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his supervisor no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

11.8.3 As noted in 49 CFR Part 40 Subpart I the following behavior constitutes a refusal to submit to drug and alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign Federal drug testing forms or failure to sign the certification at Step 2 of alcohol testing form;
- Any employee who refuses to submit to a direct observation collection;
- Refusal by an employee to submit to a second test when requested by the Authority or the collector;
- Failure of the employee to remain at the testing site until collection is complete
- Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of 3 hours and up to 40 ounces of water;
- Any employee who has a verified adulterated or substituted drug test result;

- Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or GCRTA;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;
- Refusal to provide urine specimen by an employee who normally voids by utilization of self-catheterization but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc. in a secured location prior to obtaining a specimen;
- Any employee who does not report to the collection site in the allotted time;
- Any employee who is not readily available for post-accident testing; or
- Any employee who leaves the scene of an accident without proper authorization.
- 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
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

11.8.4 Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.

11.8.5 Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only “enables” the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee’s suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.

12.0 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Drug and Alcohol Program is administered by Occupational Health Services and is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A)

Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.

13.0 CONFIDENTIALITY OF RECORDS

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Occupational Health provided that the employee has picture identification.

14.0 ATTACHMENT

Addendum A – MRO, SAP, Laboratory Services and GCRTA Administrator
Addendum B – Safety-Sensitive Positions
Addendum C – Random Testing Rates
Addendum D – Laboratory Testing Limits
Addendum E – Drug Testing Procedure
Addendum F – Alcohol Testing Procedure
Addendum G – Life Consequences of Drug Abuse and Alcohol Misuse

This Policy supersedes the following:

Administrative Policy & Procedure 1989-13
Board Resolution 1994-229
Board Resolution 1998-24
Board Resolution 1999-102
Administrative Policy & Procedure 1999-4
Board Resolution 2002-50

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Sandra Fakult M.D., MROCC
Concentra
5500 South Marginal Road
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44119
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 356-3214
(216) 356-3213

Addendum B

Safety-Sensitive Positions

Job Title	Job Classification	FTA Criteria
CRT Operator	137	1
CRT Operator – Part Time	138	1
Laborer (Rail)	152	2
Community Circulator Operator	188	1
Community Circulator Operator – Part Time	189	1
Transit Police Officer – Part Time	336	5
Vehicle Servicer	346	2
Hostler	347	2
Hostler – Part Time	348	2
Laborer (Rail)	352	2
Maintenance Helper only those with RTA required CDLs	358	2
Operator – Full Time	437	1
Operator – Part Time	438	1
Transit Police Officer – Full Time	440	5
Equipment Servicer	442	2
Body Mechanic	446	2
Equipment Mechanic excludes sign shop personnel	447	2
Substation Maintainer	448	4
Signal Maintainer	450	2
Track Maintainer	452	2
Line Maintainer	453	4
Fare Enforcement Officer – Part Time	454	5
Maintainer only those with RTA required CDLs	458	2
Assistant Operating Instructor	511	1
Rail Equipment Body Mechanic	521	2
Rail Equipment Electrician	522	2
Rail Equipment Mechanic	523	2
Rail Brake Mechanic	524	2
Rail Machinist	525	2
Machinist	526	2
Automotive Brake Mechanic	528	2
Heating/Air Conditioning Mechanic	535	2
Transit Police Sergeant	540	5
Equipment Body Mechanic excludes sign shop personnel	541	2
Equipment Electrical Unit Mechanic	542	2
Equipment Electrician	543	2
Equipment Mechanic	545	2
Equipment Repair Leader	547	2
Maintenance Technician only those with RTA required CDLs	548	2
Maintenance Leader only those with RTA required CDLs	549	2
Signal Maintenance Technician	550	2
Special Equipment Operator/Mechanic	552	2

Rail Air Conditioning Mechanic	553	2
CRT Group Leader	554	2
CRT Dispatcher	557	3
Motor Repair Leader	567	2
Service Quality Supervisor	574	3
Service Quality Supervisor Rail	576	3
Power & Way Stock Clerk	589	4
Operations Instructor	611	1
Vehicle Maintenance Instructor	612	2
Fiber Optic Technician	615	4
Lead Fiber Optic Technician	616	4
Assistant Supervisor, Rail Shop	623	2
Electronic Technician	624	2
Zone Supervisor	634	4
Tower Control Supervisor	635	3
Service Quality Supervisor III	636	3
Assistant Section Leader	645	2
Crew Chief	646	2
Assistant Equipment Supervisor	647	2
Substation Maintainer	648	4
Assistant Maintenance Supervisor	649	2
Signal Technician	650	2
Lead Signal Technician	651	2
Assistant Track Supervisor	652	2
Line Maintainer	653	4
Special Equipment Operator/Mechanic Leader	654	2
Lead Line Maintainer	656	4
CRT Road Supervisor	658	4
Lead Substation Maintainer	698	4
Supervisor – Power & Way	762	4
Quality Assurance/Warranty Mechanical	1048	4
Transit Police Lieutenant	1060	5
Assistant Superintendent, CRT Equipment	1069	2
Load Dispatcher	1137	3

Supervisor – Radio Control	1147	3
Supervisor – Signals	1234	4
Supervisor – Traction & Power	1239	2
Supervisor – Overhead	1239	2
Transit Police Commander	1248	5
Rail Traffic Supervisor	1249	3
Rapid Transit Shop Supervisor	1252	4
Section Supervisor	1258	4
Supervisor – Track	1273	4
Deputy Director of Security/Police	1356	5
Director of Security/Chief of Police	1511	5
Supervisor, CBM	1951	2
Supervisor, Rail Shop	1953	2

Supervisor, Signals	1956	2
Student Driver Trainee	9909	1

FTA Criteria Utilized to Identify a Safety-Sensitive Function as Noted in Column 3 of this Addendum

1. Operates a revenue service vehicle in or out of service
2. Operates a non-revenue vehicle requiring a CDL
3. Controls dispatch or movement of a revenue service vehicle
4. Maintains a revenue service vehicle or maintains equipment used in revenue service
5. Carries a firearm for security purposes

Management staff that may perform the above functions at times are also classified as Safety-Sensitive.

Job classifications 447 and 541 include Sign Shop personnel. Sign Shop personnel who perform graphic identification and decal functions but perform no actual mechanical work on the body, interior or components of the coach are exempt as Safety-Sensitive.

Addendum C

Random Testing Rates

Effective each year on January 1 per the Federal Register posting on December of the previous year. The current random drug and alcohol testing rates are as follows:

- **At least 50% of the total number of safety-sensitive employees will be drug tested**
- **At least 10% of the total number of safety-sensitive employees will be alcohol tested**

Addendum D

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
1. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
2. Cocaine Metabolites (Benzoylecgonine)	150 ng/ml	100 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines a. Amphetamine b. Methamphetamine c. MDMA/MDA	500 ng/ml	250 ng/ml (Specimen must also contain amphetamine at a concentration \geq 100 ng/ml) 250 ng/ml
5. Opioids Metabolites a. Codeine/Morphine b. 6-A cetylmorphine 6-AM (heroin) c. Hydrocodone/Hydromorphone d. Oxycodone/Oxymorphone	2000 ng/ml 10 ng/ml 300 ng/ml 100 ng/ml	2000 ng/ml 10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml) 300 ng/ml 100 ng/ml

Reference: 49 CFR Part 40, §40.87, Federal Register, November 13, 2017

Addendum E

Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to provide a specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. The three (3) hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
10. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.
12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels.
13. The custody and control form will be completed with the appropriate signatures, social security number, birth date and current date.
14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three (3) hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically §40.193 and §40.195. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
2. The collection procedure will be discontinued and documented on the custody and control form. The collector must notify Occupational Health and the MRO within 24 hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the custody and control form with the documentation within the 24-hour period.
3. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five (5) days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
4. The employee will be placed on administrative leave pending medical results.
5. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
7. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

Addendum F

Breath Alcohol Collection Process

Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.
5. The employee will select or the BAT will select an individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung".
8. After successful completion of the testing, the employee will be shown the results.
9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.
12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
13. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
14. The BAT will immediately notify Occupational Health of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.
15. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after

receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically §40.265. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Occupational Health.
2. The BAT will direct the employee to continue to attempt to complete the breath alcohol test by utilizing a manual testing method for up to fifteen (15) minutes from the time of the last failed attempt. If GCRTA’s designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within 5 days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety-sensitive functions until the evaluation process is complete.
3. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, additional alcohol testing may be performed under GCRTA authority. The employee will be permitted to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. This testing will be performed under GCRTA’s authority and as non-DOT testing utilizing non-DOT forms. However, standard chain of custody procedures will be carried out throughout the process. The blood will be drawn with sixty (60) minutes of the initial unsuccessful EBT test so as to provide valid results regarding employee’s use of alcohol at the time of the unsuccessful EBT test. The shy lung evaluation required under DOT requirements is in no way impacted by the results of the blood alcohol test. Any actions related to the results of the blood alcohol test are taken under GCRTA authority and do not apply to the results of the shy-lung evaluation conducted according to 49 CFR Part 40 testing requirements.
4. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition, which precludes the EBT test, the employee will be evaluated by a Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four (24) hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP’s recommendations.

5. If the blood test conducted under GCRTA authority is negative and the pulmonary assessment reveals an acceptable medical condition that explains the employee's inability to provide an adequate amount of breath for the EBT test, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.
6. If the pulmonary assessment does not reveal a medical condition to explain the inability of the employee to provide adequate breath for the EBT test, this is considered a positive test under DOT/FTA requirements
7. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

Addendum G

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self-respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone; however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms:	Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, and changes in appearance after work break.
Mood:	Constant depression or anxiety, irritability, suspicion and mood swings.
Actions:	Argumentative, excessive sense of self-importance, avoids talking
Absenteeism:	Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.
Accidents:	Takes needless risks, disregards safety of others, higher-than-average accident rate.
Work Patterns:	Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.
Relationships:	Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.

600.032 SUBSTANCE ABUSE POLICY FOR NON-SAFETY SENSITIVE EMPLOYEES

1.0 PURPOSE/SCOPE:

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program for non-safety sensitive employees and provides requirements for non-safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. The Authority requires all employees to be free of drugs and/or alcohol when performing their job duties.

2.0 REFERENCE(S):

This policy is written in conjunction with rules and regulations as defined by:

2.7 49 CFR Part 29, Drug-Free Workplace Act of 1998

2.8 41 USC 701 *et. seq.*, Drug Free Workplace Act of 1988

2.9 GCRTA Employee Performance Code

2.10 Driver's License Requirement Policy 600.08 and Procedure 1700.07

3.0 OBJECTIVES

9.2 To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.

9.3 To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

9.4 To clearly and concisely outline the procedures required to comply with the federal regulations.

4.0 DEFINITIONS

- 4.2. An “**accident**” means an unplanned, unexpected or unintended event that occurs during the conduct of the employer’s business during normal working hours either with an employer-supplied motor vehicle or a personal motor vehicle being used in conducting the employer’s business. An accident may also occur outside of normal business hours for employees assigned and using an employer provided vehicle.
- 4.3. An “**adulterated specimen**” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- 4.4. A “**cancelled test**” is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.
- 4.5. A “**dilute specimen**” has creatinine and specific gravity values that are lower than expected for human urine.
- 4.6. An “**Evidential Breath Testing (EBT) device**” is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.
- 4.7. The term “**intoxicant**” includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term “intoxicant” also includes any other substance that alters one’s senses or could affect one’s ability to function in his/her job.
- 4.8. An “**invalid drug test**” refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- 4.9. The “**Medical Review Officer**” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A)

- 4.10. A “**non-safety sensitive employee**” is any employee at Authority who does not perform a safety sensitive function as defined by the *Substance Abuse Policy for Safety-Sensitive Employees*. The non-safety sensitive employee does not operate a revenue service vehicle , whether in or out of service; operate a non-revenue service vehicle requiring a Commercial Drivers License; control the dispatch or movement of a revenue service vehicle; maintain a revenue service vehicle or equipment used in revenue service or carry a firearm for security purposes.
- 4.11. “**On-Call**” duty is defined as being scheduled for specific after duty hours and the employee must report to duty when called. (Example: Safety Personnel)
- 4.12. The “**Substance Abuse Professional (SAP)**” is a licensed physician, a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A)
- 4.13. A “**substituted specimen**” has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.
- 4.14. A “**verified test**” is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

5.0 POLICY APPLICATION:

This policy applies to all employees who are incumbents in non-safety sensitive positions and to all applicants or employees who may apply for or who may transfer to a non-safety sensitive position.

6.0 CIRCUMSTANCES WHICH WARRANT TESTING:

6.1 All non-safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath or blood sample required) under the following circumstances:

- 6.1.1 Drug testing at the time of the employment physical examination;
- 6.1.2 Drug testing at the time of or during a work-related physical examination;
- 6.1.3 Drug and alcohol as a condition of discipline due to previous offense under the Policy;
- 6.1.2 At any time there is a “reasonable suspicion” of employee drug/alcohol use;
- 6.1.3 At the time of return-to-duty from rehabilitation as determined by the Substance Abuse Professional (SAP);

- 6.1.4 When an employee requires follow-up testing;
- 6.1.5 At the time of an accident as described in Section 8.3 of this policy.

6.2 Pre-duty or on-duty use of alcohol: All employees are prohibited from using alcohol or being under the influence of alcohol while performing their job duties. Supervisors with actual knowledge or reasonable suspicion that an employee is using alcohol or is under the influence will not permit the employee to perform or continue to perform his/her job functions. Moreover, supervisors shall complete the necessary documentation for reasonable suspicion for alcohol misuse and send the employee for testing based on the information obtained.

6.2.1 Supervisors will not allow an unscheduled employee to report to duty who acknowledges the use of alcohol. Employees that provide such acknowledgement will not be subject to disciplinary action under this policy.

6.3 On-call employees: The consumption of alcohol is prohibited for employees during his or her specified on-call hours.

6.4 The consumption of any illegal drugs such as marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) and etc. or any other drug that may impair the function of an employee while performing his/her job duties is prohibited at all times and employees may be tested for these substances any time during the performance of their duty as noted in Section 6.1 of this policy.

6.5 Non-safety sensitive employees are not permitted to consume alcohol while performing work within the course and scope of employment, which includes, but is not limited to, on/off site work during normal working hours. Further, the consumption and possession of alcohol is prohibited while on GCRTA property and at any time while driving a GCRTA vehicle.

7.0 SPECIFIC TESTING REQUIREMENTS:

7.1 GCRTA will perform specific drug and alcohol testing that is based on the circumstances identified in Section 6.0 of this policy.

7.2 All drug and alcohol testing will follow proper procedures as noted in Addendum E and F. The standard chain of custody process will be utilized and only non-federal chain of custody forms will be used.

7.3 Each employee tested under GCRTA requirements will be notified of the purpose for the testing.

7.4 A verified positive drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

8.0 TYPES OF TESTING REQUIRED:

8.1 Employment or Pre-Placement Testing: The purpose of pre-employment testing is to identify applicants who may have current drug. The Human Resources Department will send all applicants for employment for drug testing after a

conditional offer of employment. An applicant may not perform job functions until employment drug tests are administered with verified negative results.

8.1.1 In the event drug and/or alcohol tests are considered a “cancelled test” or results are “invalid”, the covered employee or applicant must retake the drug/alcohol test with verified negative results before starting a safety sensitive position.

8.1.2 Applicants who have not been placed in a position within 90 consecutive calendar days of their initial testing will be required to re-take the drug testing and have verified negative results before starting job duties.

8.2 Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of job functions.

8.2.1 Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.

8.2.2 The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

8.2.3 The employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.

8.2.4 Alcohol testing must be based on observations and documented as noted in 8.2.2 and shall be performed only while the employee is performing job duties.

8.2.5 If alcohol testing is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document why the testing could not be performed. This documentation will be maintained in Occupational Health.

8.3 Accident Testing: GCRTA will require drug and alcohol testing of an employee who has had or who may have caused/contributed to an on the job accident as identified in Section 4.1 when there is a loss of life or for other non-fatal accidents. Employees operating a GCRTA vehicle that have an accident with the vehicle during or outside of regular business hours will be required to undergo drug and alcohol testing.

8.3.1 The following events will require accident testing:

- A fatality occurs of anyone involved in the accident;
- Bodily injury that requires immediate medical attention;
- Any vehicular damage that requires repair; or
- Any performance or lack of performance of the employee that may have contributed to accident.

- 8.3.2 The decision to not administer a drug and/or alcohol test shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.
- 8.3.3 Post accident testing will be administered as soon as practicable following the accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the occurrence.
- 8.3.4 The **drug testing** time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit.
- 8.3.5 An employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.
- 8.3.6 The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.
- 8.3.7 When post accident testing is required based on GCRTA criteria, the collection site will use only non-federal custody and control forms.

8.4 Return to Duty Testing: The purpose of return to duty testing is to provide a degree of assurance that an employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse after rehabilitation.

- 8.4.1 Whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment meeting the following criteria:
- Has had verified positive drug test result (as noted in Section 11 of this policy)
 - Has had a breath alcohol content (BAC) of 0.02 or greater, or
 - Has been involved in any other activity that violates this policy including refusal to submit to testing.

- 8.4.2 Return to duty testing cannot occur until the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of his/her duties.
- 8.4.3 Follow-up testing will be performed when an employee returns to work as described in Section 8.4.1. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP.
- 8.4.4 The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Follow-up testing can be continued for up to 60 months after return to work.
- 8.4.5 Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform his/her job duties until testing is completed.
- 8.4.6 A follow up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed test and must be recollected.

9.0 TESTING PROTOCOL

9.1 Alcohol Testing: In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's). The testing equipment must provide triplicate printed results, assign unique and sequential numbers, and print the manufacturer's name for the device, the device's serial number and the time of the test.

- 9.1.1 The EBT must have a manufacturer-developed quality assurance plan approved by the National Highway Traffic Safety Administration (NHTSA) that includes the following requirements:
- A designated method to be used to perform external calibration checks of the device;
 - A specified minimum interval for performing external calibration checks of the device;
 - A specified tolerance on an external calibration check; and
 - A specified inspection, maintenance and calibration requirement.
- 9.1.2 GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one collection site. The BAT will be trained to proficiency in the operation of the EBT. To protect the security of the testing site and

process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and the EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed.

9.1.3 The alcohol testing procedure is located in Addendum D.

9.2 Drug Tests: Urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

9.2.1 The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only certified Health and Human Service (HHS) testing laboratories that utilized state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A)

9.2.2 Under separate contract, specific collection sites are available throughout the Greater Cleveland area that are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection that is required for the safety-sensitive collection process.

9.2.3 In order to protect the security and integrity of the urine collection each collection site will provide a privacy enclosure for urination, a toilet, a suitable, clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Medical Servers on a routine basis to assure integrity of the testing process.

9.2.4 The drug testing procedure is outlined in Addendum C.

9.3 Medical Review Officer: When a drug test result is confirmed as positive, adulterated, substituted, or invalid, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history
- Afford the employee an opportunity to discuss the test result
- Decide whether there is legitimate medical explanation for the result

- Inform the employee that s/he has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.

9.3.1 An employee may request a split sample by calling Occupational Health at ((216) 356-3214 or (216) 356-3213. If there is no answer, the employee will leave a voice mail message. Occupational Health will contact the employee to obtain the required written verification and payment for testing. The Medical Review Officer will be notified by Occupational Health that the employee has requested split sample testing.

9.3.2 Medical Review Officer services are provided by contract with a certified physician who meets national qualification standards for substance abuse evaluation.

9.4 Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning when:

- The collector identifies an attempt to alter a specimen has occurred;
- The collector identifies an attempt to tamper with a specimen;
- A specimen is reported as invalid because there is no adequate medical explanation for the result;
- When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
- The temperature of the specimen falls out of the range of 90 - 100° F.
- Direct observation will NOT be performed when recollection is to occur for a dilute sample.

9.5 Observation in all instances will be made by the same sex. Observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.

10.0 ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.02 or greater.

10.4 When positive drug results are received from the MRO, Medical Services will immediately notify authorized supervisor(s). The covered employee will be immediately removed from the duty. The appropriate disciplinary action will be implemented as outlined by this policy.

10.5 When a positive alcohol result of 0.02 or greater has been confirmed by BAT, the employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The employee will not be

permitted to drive his/her own vehicle and an alternate means of transportation will be utilized.

- 10.6 If an employee refuses to submit to drug or alcohol testing, the employee will be removed from his/her job duties and appropriate disciplinary action will be implemented as outlined by this policy.

11.0 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL

The GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

- 11.1 GCRTA requires of all employees to be free of drugs and alcohol when performing his/her job duties. Any employee with a verified positive drug test; an alcohol concentration of 0.02 or greater; or refuses to submit to testing will be removed from his/her job duties and must be evaluated by a Substance Abuse Professional (SAP).

- 11.2 Disciplinary Consequences for Positive Alcohol: When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

a) Employees with less than 6 months service: Immediate Discharge

b) Employees with greater than 6 months of service:

BAC of 0.02 or less Any value less than 0.02 is considered a negative test.

BAC of 0.02% to 0.079% First Offense: 30 calendar day conditional suspension.

An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven (7) days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with an alcohol result of less than 0.02%, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.

Second Offense under this policy within a 3 year period: Immediate Discharge

BAC OF 0.08% or higher

Immediate Discharge

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in Immediate discharge.

11.4 Disciplinary Consequences For Positive Marijuana-Related Substances:

a) Job Applicants

Not Hired

b) Employees with less than 6 months of service: Immediate Discharge

c) Employees with more than 6 months service:

First Offense will result in a thirty (30) calendar day conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven (7) days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with a negative result, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

In the event that an employee tests positive for marijuana in a return to work test, s/he

- Notification of the use of the prescription drug
- A doctor's letter indicating the applicant's ability to perform his/her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment.

b) Employees:
prescription

When an employee tests positive for a drug which may affect his/her ability to perform the employee's job duties, s/he will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his/her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

11.6 Disciplinary Consequences for Testing Positive for Any Intoxicant: such as hypnotics, barbiturates, hallucinogens, etc.

a) Job Applicants: Not hired

b) Employees: Immediate Discharge

11.7 Disciplinary Consequences for A Driver's Licenses Suspension Due To a DUI Conviction: This provision is in effect for employees that are covered by the Driver's License Requirement Policy and drive a non-revenue or company vehicle. In cases of driver's license suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven (7) calendar days of the suspension and provide proof of contact to his/her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Requirement Policy)

11.8 Other Disciplinary Consequences:

11.8.1 The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

11.8.2 Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his supervisor no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

11.8.3 The following behavior constitutes a refusal to submit to drug and alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign the testing forms;
- Any employee who refuses to submit to a direct observation collection;
- Declination by an employee to submit to a second test when requested by the Authority or the collector;
- Failure of the employee to remain at the testing site until collection is complete
- Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of 3 hours and up to 40 ounces of water;
- Any employee who has a verified adulterated or substituted test result;
- Failure to undergo a medical examination or evaluation for either shy bladder or shy lung;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician;
- Refusal by an employee who normally voids by utilization of self-catheterization but declines to do so;
- Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc in a secured location prior to obtaining a specimen;
- Any employee who does not report to the collection site in the allotted time;
- Any employee who is not readily available for post accident testing; or

- Any employee who leaves the scene of an accident without proper authorization.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

11.8.4 Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.

11.8.5 Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only “enables” the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee’s suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.

12.0 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

The Drug and Alcohol Program is administered by the Manager, Occupational Health. GCRTA’s Occupational Health Services is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A)

Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.

13.0 CONFIDENTIALITY OF RECORDS

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee’s confidentiality of results. Results will be mailed to the employee’s home address or the employee may pick up results in person in Occupational Health provided that the employee has a picture identification. Results of drug and alcohol testing will not be released to outside entities or any third party without the written consent of the employee.

14.0 ATTACHMENT

Addendum A – MRO, SAP, Laboratory Services and GCRTA Administrator
Addendum B – Laboratory Testing Limits
Addendum C – Drug Testing Procedure
Addendum D - Alcohol Testing Procedure
Addendum E – Life Consequences of Drug Abuse and Alcohol Misuse

This Policy supercedes all previous policies and procedures.

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Sandra Fakult M.D., MROCC
Concentra
5500 South Marginal Road
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44114
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 356-3214
(216) 356-3213

Addendum B

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits mirror federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
3. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
4. Cocaine Metabolites (Benzoylecgonine)	150 ng/ml	100 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines d. Amphetamine e. Methamphetamine f. MDMA/MDA	500 ng/ml	250 ng/ml (Specimen must also contain amphetamine at a concentration \geq 100 ng/ml) 250 ng/ml
5. Opioids Metabolites e. Codeine/Morphine f. 6-A cetylmorphine 6-AM (heroin) g. Hydrocodone/Hydromorphone h. Oxycodone/Oxymorphone i.	2000 ng/ml 10 ng/ml 300 ng/ml 100 ng/ml	2000 ng/ml 10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml) 300 ng/ml 100 ng/ml

Addendum C

Urine Specimen Collection Process

Urine specimen collection Outlined below is the collection procedure. The testing process will begin upon entry to the collection site without undue delay.

15. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
16. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
17. The collection process will be explained to the employee.
18. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
19. Prior to collection of the specimen, Step 1 of the chain of custody will be completed by the collector.
20. The employee will then be instructed to wash and dry his or her hands.
21. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
22. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to complete drug and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
23. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
24. The collector will pour or "split" the sample of at least 15 ml in a separate collection bottle and leave the remaining specimen in the original container. This process will be performed before the employee.
25. Both bottles will be sealed and labeled in the presence of the employee. After the specimen has been labeled, the employee will initial the bottle labels.
26. The chain of custody form will be completed with the appropriate signatures, social security number, birth date and current date.
27. The appropriate portion of the chain of custody form along with the primary sample and the split sample will be place in a single shipping container, initialed by the collector and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml. of urine within three (3) hours and being provided no more than 40 ounces of water. Outlined below is the process that will be utilized:

8. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
9. The collection procedure will be discontinued and documented on the chain of custody. The collector must notify Occupational Health and the MRO within 24 hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the chain of custody with the documentation within the 24 hour period.
10. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician within five (5) days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
11. The employee will be placed on administrative leave pending medical results.
12. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
13. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
14. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

Addendum D

Breath Alcohol Collection Process

Breath alcohol testing. Outlined below is the testing procedure. The testing process will begin upon entry to the collection site without undue delay.

16. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
17. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
18. After testing procedures are explained to the employee, the BAT will complete Step 1 of the Alcohol Testing Form and the employee will complete Step 2 and sign the certification.
19. The employee will select or the BAT will select an individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
20. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
21. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung".
22. After successful completion of the testing, the employee will be shown the results.
23. When the results of the test are an alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
24. When the results of the test are an alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
25. During the waiting period for confirmation testing, the employee will not be permitted to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the testing form.
26. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
27. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
28. The BAT will immediately notify Occupational Health of results greater than 0.02 and send hard copy confidentially by U.S. Mail or courier.
29. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

“Shy lung evaluation” will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. Outlined below is the process that will be utilized.

8. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for “Shy Lung”. When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the “Remarks” line of the Alcohol Testing Form and immediately notify Occupational Health.
9. The BAT will direct the employee to continue to attempt to complete the breathalyzer by utilizing a manual testing method for up to fifteen (15) minutes from the time of the last failed attempt. If GCRTA’s designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within 5 days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.
10. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, GCRTA will permit the employee to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. The blood will be drawn with sixty (60) minutes of the initial breathalyzer test so as to provide valid results regarding employee’s use of alcohol at the time of the breathalyzer test.
11. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition which precludes the breathalyzer test, the employee will be evaluated the Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four (24) hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP’s recommendations.
12. If the additional manual breath test(s) or blood test is negative, but the pulmonary assessment reveals a medical condition, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA’s FMLA policy if applicable, or other leave policies as needed.
13. If the pulmonary assessment does not reveal a medical condition, but the additional manual breath test (s) or blood alcohol test reveal alcohol concentration of 0.02 or above, the employee will be subject to the procedures and penalties outlined in this policy.
14. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical

explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

Addendum E

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone; however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms:	Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.
Mood:	Constant depression or anxiety, irritability, suspicion and mood swings.
Actions:	Argumentative, excessive sense of self-importance, avoids talking
Absenteeism:	Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.
Accidents:	Takes needless risks, disregards safety of others, higher-than-average accident rate.
Work Patterns:	Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.
Relationships:	Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.



TITLE/DESCRIPTION: AMENDING CHAPTER 480 OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2021- 68
	Date: June 24, 2021
	Initiator: Finance
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This resolution will amend Chapter 480, Energy Price Risk Management Policy, of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The energy price risk management policy was adopted in 2008. It is being updated to reflect current operations. In particular, staff recommends removing the statement that GCRTA's consumption of ultra-low sulfur diesel fuel is highly predictable and the restriction on transactions within a calendar month. In addition, the references to swaps and derivative transactions should be removed because the Authority no longer uses those types of transactions.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: Adoption of the resolution will bring the Authority's energy price risk management policy up to date.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in a policy that remains out of date.
- 8.0 RECOMMENDATION: This resolution was discussed at the June 15, 2021 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.
- 9.0 ATTACHMENT: A. Red-line of proposed amendments to Chapter 480

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



 General Manager, Chief Executive Officer

Attachment A to Staff Summary

CHAPTER 480 Energy Price Risk Management Policy

- 480.01 Mission statement.
 - 480.02 Program infrastructure.
 - 480.03 Physical supply.
 - 480.04 Strategy.
 - 480.05 Execution, monitoring and reporting.
 - 480.06 ~~Swaps, derivatives, and fuel futures contracts; eligible financial institutions designated.~~
-

480.01 MISSION STATEMENT.

(a) The Greater Cleveland Regional Transit Authority ("GCRTA") will establish and maintain an energy price risk management program (as permitted by Ohio R.C. § 9.835(A), ~~(B) and (C) which qualifies Ohio R.C. § 135.14~~ (hereinafter "Program") that will:

- (1) Seek to mitigate the impact of the volatility of fuel cost on GCRTA budget~~decrease the volatility of fuel cost;~~
- (2) Seek to increase the likelihood that actual net fuel cost will remain below the budgeted cost;
- (3) Seek to increase the certainty of future fuel cost;
- (4) Seek to attain a lower overall cost of fuel in the long-term;
- (5) Seek to manage year-over-year changes in fuel cost.

(b) ~~The purpose of GCRTA's energy price risk management program~~ the Program is not to make or lose money but to manage risk. ~~This program~~ Program is not an investment and should not be construed as such. Cash flows produced or consumed by the Program will be considered as an element of fuel cost. (Res. 2008-110. Passed 7-15-08. Res. 2021-XXX, Passed XX-XX-XX.)

480.02 PROGRAM INFRASTRUCTURE.

(a) Instruments. The GCRTA will establish and maintain a ~~Futures Account~~ futures account with a ~~Futures Broker~~ futures broker (Futures Commission Merchant). GCRTA will engage an advisor ("Advisor") to determine financial strategies which will facilitate the Program. Within this account, the GCRTA will, with the advice of the Advisor, acquire, hold, and dispose of positions in exchange-traded futures contracts according to the strategies in order to operate the Program. ~~The GCRTA will consider various financial instruments (e.g. fixed price contract, price floor discount, maximum price contract, minimum/maximum price contract, fixed price value trigger, and trigger price contract or others deemed prudent) in concert with this policy. These~~ Future ~~futures Contracts~~ contracts ~~instruments~~ will enable the GCRTA to fix the cost of ultra-low

sulfur diesel fuel ("Fuel") in forward periods providing budget stability. ~~determine the range of price volatility and variability.~~

(b) Maximum Hedge Ratio. ~~GCRTA's fuel consumption is highly predictable and without significant variability over time. Given this, t~~The maximum hedge ratio will be ninety percent of forecasted consumption. This means that the Program will not hedge more than ninety percent of GCRTA's forecasted needs within any fiscal year ~~and will not liquidate/offset futures contracts within a single calendar month that represent more than ninety percent of forecasted consumption in that month.~~

(c) Maximum Hedge Maturity. The maximum allowed maturity of Ultra Low Sulfur Diesel Fuel heating oil futures is thirty-six months from the date of acquisition~~acquisition.~~

(d) Exiting Market Positions. Market positions will be exited as ~~fuel~~ Fuel is consumed to make the end of the hedge and the pricing of ~~fuel~~ Fuel simultaneous. Futures contracts will otherwise be held to maturity and there will be no interim trading allowed. The only exception to this is if the forecasted ~~fuel~~ Fuel usage decreases in which case the hedge position ~~may~~ will be adjusted to comply with ~~Policy~~ this energy price risk management policy ("Policy"). Futures contracts will not be exited early for the purpose of generating a profit.
(Res. 2008-110. Passed 7-15-08; Res. 2009-40. Passed 5-19-09. Res. 2021-XXX.
Passed XX-XX-XX.)

480.03 PHYSICAL SUPPLY.

The physical supply of ~~fuel~~ Fuel will continue according to the current process of GCRTA. The physical supply will be priced according to a daily floating price determined by the supply contract.
(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.04 STRATEGY.

- (a) The Strategy is how the Program's objectives are achieved.
- (b) The Strategy will utilize a process:
- (1) That addresses market opportunities and market risks;
 - (2) That holds the risk of exceeding budget at or below an acceptable level;
 - (3) That uses historical pricing ranges as pricing parameters;
 - (4) That is continuous;
 - (5) That will use dollar cost averaging as a tool;
 - (6) That mitigates transaction timing risk by making more numerous smaller volume transactions, i.e. 42,000 gallons per transaction.

(c) These things will be accomplished by the Advisor executing the appropriate transactions at the appropriate times to create the desired effect within the constraints of the Policy in consultation with GCRTA.

(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.05 EXECUTION, MONITORING AND REPORTING.

(a) The Advisor will be responsible for the day-to-day execution of the Program including the execution of transactions, generating reports on the Program's status and results, and monitoring the Program and the energy markets.

(b) The Advisor will generate ~~a weekly~~ an update on the status and results of the Program, including an analysis of market risk, on at least a monthly basis.

~~The Advisor will generate a monthly report regarding the status and results of the Program including an analysis of risk.~~

(c) The Advisor will generate a monthly report summarizing the activity in the futures account.

(d) GCRTA will have online access to ~~receive~~ daily and monthly statements from the futures broker.

(e) The online access will be given to ~~reports will be received by the~~ appropriate individuals at GCRTA. Oversight of the Program will be primarily the responsibility of the Oversight Panel at GCRTA Accounting Department in the Finance Division.

(f) ~~Reporting Presentations~~ to the Board on the performance of the Program will occur periodically as the Board deems appropriate.

(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

~~480.06 SWAPS, DERIVATIVES, AND FUEL FUTURES CONTRACT; ELIGIBLE FINANCIAL INSTITUTIONS DESIGNATED.~~

~~(a) The General Manager, Chief Executive Officer is hereby authorized to execute fuel hedging contracts, as well as contracts for the purchase of swaps and derivatives with financial institutions governed by the International Swaps & Derivatives Association ("ISDA") and documents necessary for the execution and/or performance of these contracts.~~

~~(b) ISDA agreements may be made with Key Bank, Fifth Third Bank and any other institution qualified by the ISDA.~~

~~(c) The GCRTA Procurement Department is authorized to solicit bids from~~

~~those financial institutions with which the General Manager, Chief Executive Officer has entered into ISDA agreements, including but not limited to Key Bank and Fifth Third Bank, when it determines that entering into said contracts would be advantageous to the GCRTA.~~

~~(d)The General Manager, Chief Executive Officer is hereby authorized to enter into hedging contracts and to enter into contracts for swaps and derivative transactions with whichever ISDA-qualified institution provides the price most advantageous to the GCRTA.~~

~~(e)The purchase of fuel hedging contracts will be funded through a line of credit with National City Bank. Payment for the purchase of swaps and derivatives is the difference between the bid price for these contracts and the market price. In the event this difference is not sufficient, payment will be made from the General Fund.~~

~~(f)The Director of Procurement is hereby directed to forward certified copies of this section to the entities approved to execute contracts under the Energy Price Risk Management Program.
(Res. 2008-170. Passed 1-13-09.)~~

RESOLUTION NO. 2021-68

AMENDING CHAPTER 480 OF THE CODIFIED RULES AND REGULATIONS OF
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Chapter 480 should be updated; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Chapter 480, Energy Price Risk Management Policy is hereby amended to read as specified in Attachment A hereto.

Section 2. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment: A. Chapter 480

Adopted: June 29, 2021

President

Attest: _____
Secretary-Treasurer

Attachment A to Resolution

CHAPTER 480 Energy Price Risk Management Policy

- 480.01 Mission statement.
 - 480.02 Program infrastructure.
 - 480.03 Physical supply.
 - 480.04 Strategy.
 - 480.05 Execution, monitoring and reporting.
-

480.01 MISSION STATEMENT.

(a) The Greater Cleveland Regional Transit Authority ("GCRTA") will establish and maintain an energy price risk management program as permitted by Ohio R.C. § 9.835 (hereinafter "Program") that will:

- (1) Seek to mitigate the impact of the volatility of fuel cost on GCRTA budget;
- (2) Seek to increase the likelihood that actual net fuel cost will remain below the budgeted cost;
- (3) Seek to increase the certainty of future fuel cost;
- (4) Seek to attain a lower overall cost of fuel in the long-term;
- (5) Seek to manage year-over-year changes in fuel cost.

(b) The purpose of the Program is not to make or lose money but to manage risk. This Program is not an investment and should not be construed as such. Cash flows produced or consumed by the Program will be considered as an element of fuel cost.

(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.02 PROGRAM INFRASTRUCTURE.

(a) Instruments. The GCRTA will establish and maintain a futures account with a futures broker (Futures Commission Merchant). GCRTA will engage an advisor ("Advisor") to determine financial strategies which will facilitate the Program. Within this account, the GCRTA will, with the advice of the Advisor, acquire, hold, and dispose of positions in exchange-traded futures contracts according to the strategies in order to operate the Program. These futures contracts will enable the GCRTA to fix the cost of ultra-low sulfur diesel fuel ("Fuel") in forward periods providing budget stability.

(b) Maximum Hedge Ratio. The maximum hedge ratio will be ninety percent of forecasted consumption. This means that the Program will not hedge more than ninety percent of GCRTA's forecasted needs within any fiscal year.

(c) Maximum Hedge Maturity. The maximum allowed maturity of Fuel futures is thirty-six months from the date of acquisition.

(d) Exiting Market Positions. Market positions will be exited as Fuel is consumed to make the end of the hedge and the pricing of Fuel simultaneous. Futures contracts will otherwise be held to maturity and there will be no interim trading allowed. The only exception to this is if the forecasted Fuel usage decreases in which case the hedge position may be adjusted to comply with this energy price risk management policy ("Policy"). Futures contracts will not be exited early for the purpose of generating a profit.

(Res. 2008-110. Passed 7-15-08; Res. 2009-40. Passed 5-19-09. Res. 2021-XXX. Passed XX-XX-XX.)

480.03 PHYSICAL SUPPLY.

The physical supply of Fuel will continue according to the current process of GCRTA. The physical supply will be priced according to a daily floating price determined by the supply contract.

(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.04 STRATEGY.

- (a) The Strategy is how the Program's objectives are achieved.
- (b) The Strategy will utilize a process:
 - (1) That addresses market opportunities and market risks;
 - (2) That holds the risk of exceeding budget at or below an acceptable level;
 - (3) That uses historical pricing ranges as pricing parameters;
 - (4) That is continuous;
 - (5) That will use dollar cost averaging as a tool;
 - (6) That mitigates transaction timing risk by making more numerous smaller volume transactions, i.e. 42,000 gallons per transaction.

(c) These things will be accomplished by the Advisor executing the appropriate transactions at the appropriate times to create the desired effect within the constraints of the Policy in consultation with GCRTA.

(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

480.05 EXECUTION, MONITORING AND REPORTING.

(a) The Advisor will be responsible for the day-to-day execution of the Program including the execution of transactions, generating reports on the Program's status and results, and monitoring the Program and the energy markets.

(b) The Advisor will generate an update on the status and results of the Program, including an analysis of market risk, on at least a monthly basis.

(c) The Advisor will generate a monthly report summarizing the activity in the futures account.

(d) GCRTA will have online access to daily and monthly statements from the futures broker.

(e) The online access will be given to appropriate individuals at GCRTA. Oversight of the Program will be primarily the responsibility of the Accounting Department in the Finance Division.

(f) Presentations to the Board on the performance of the Program will occur periodically as the Board deems appropriate.

(Res. 2008-110. Passed 7-15-08. Res. 2021-XXX. Passed XX-XX-XX.)

THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
 REPORT OF CASH RECEIVED - GENERAL FUND
 FOR THE PERIOD ENDED MAY 31, 2021 AND MAY 31, 2020

	PRESENT MONTH	PRIOR YR. MONTH	Variance	%CHANGE INCR (DECR)	2021 YTD	2020 YTD	VARIANCE	%CHANGE INCR (DECR)
PASSENGER FARES:								
CASH FARES	\$708,702	\$645,231	\$63,471	9.84%	\$3,477,730	\$4,441,926	(\$964,196)	(21.71%)
PASS/TICKET SALES	456,151	368,779	87,372	23.69%	2,305,463	3,675,954	(1,370,501)	(37.28%)
CMUSD - STUDENT FARECARDS	50,224	93,193	(42,969)	(46.11%)	617,466	783,047	(165,581)	(21.15%)
U-PASS	171,000	0	171,000	-----	716,968	1,393,970	(477,002)	(39.95%)
MOBILE TICKETING	345,335	259,755	85,580	32.95%	1,627,109	1,906,034	(278,905)	(14.63%)
SUBTOTAL PASSENGER FARES	1,731,412	1,366,958	364,454	26.66%	8,744,736	12,000,921	(3,256,185)	(27.13%)
OPERATING SUBSIDIES:								
SALES & USE TAX	17,263,726	15,293,102	1,970,624	12.89%	91,212,617	89,726,976	1,485,641	1.66%
SUBTOTAL OPERATING SUBSIDIES	17,263,726	15,293,102	1,970,624	12.89%	91,212,617	89,726,976	1,485,641	1.66%
OTHER REVENUE:								
ADVERTISING/CONCESSIONS/COMMISSIONS	55,291	16,998	38,293	225.28%	377,046	1,460,498	(1,083,452)	(74.18%)
NAMING RIGHTS LESS COMMISSIONS	0	0	0	-----	175,000	350,379	(175,379)	(50.05%)
RENTAL INCOME	6,822	17,969	(11,147)	(62.03%)	193,729	116,682	77,047	66.03%
INTEREST INCOME	7,594	54,790	(47,196)	(86.14%)	42,111	483,678	(441,567)	(91.29%)
OTHER	10,335	737	9,598	1302.31%	47,789	24,570	23,219	94.50%
SUBTOTAL OTHER REVENUE	80,042	90,494	(10,452)	(11.55%)	835,675	2,435,807	(1,600,132)	(65.69%)
REIMBURSEMENTS AND OTHER SOURCES OF CASH:								
FUEL/CNG/PROPANE TAX REFUNDS	118,035	865,608	(747,573)	(86.36%)	798,122	2,174,237	(1,376,115)	(63.29%)
GRANT REIMBURSEMENT (FEDERAL, STATE, LOCAL MATCH)	8,318	13,078	(4,760)	(36.40%)	51,039	288,572	(237,533)	(82.31%)
FEDERAL CARES ACT	0	40,072,384	(40,072,384)	-----	0	40,072,384	(40,072,384)	-----
FEDERAL CRRSAA	36,699,166	0	36,699,166	-----	36,699,166	0	36,699,166	(64.20%)
PREVENTIVE MAINTENANCE (FEDERAL, STATE, LOCAL MATCH)	7,159,657	0	7,159,657	-----	7,159,657	20,000,000	(12,840,343)	(64.20%)
FEDERAL OPERATING ASSISTANCE	0	0	0	-----	0	107,806	(107,806)	-----
MISCELLANEOUS RECEIPTS	26,057	38,420	(12,363)	(32.18%)	243,506	1,949,870	(1,706,364)	(87.51%)
SUBTOTAL REIMBURSEMENTS AND OTHER SOURCES OF CASH	44,011,233	40,989,490	3,021,743	7.37%	44,951,490	64,592,869	(19,641,379)	(30.41%)
TOTAL CASH RECEIVED - GENERAL FUND	63,086,413	57,740,044	5,346,369	9.26%	145,744,518	168,756,573	(23,012,055)	(13.64%)

*STATE MEDICAID TRANSITION FUND

THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
REPORT OF CASH RECEIVED COMPARED TO BUDGET - GENERAL FUND
FOR THE PERIOD ENDED MAY 31, 2021

	BUDGET MONTH	CURRENT MONTH	VARIANCE	% CHANGE	CURRENT % OF TOTAL	2021 YTD	VARIANCE	% CHANGE	CURRENT % OF TOTAL
PASSENGER FARES									
CASH FARES	\$ 1,653,510	\$ 708,702	\$ (1,344,808)	(82.80%)	1.12%	\$ 3,437,730	\$ (1,286,115)	(27.00%)	2.39%
PASS/TICKET SALES	887,013	436,151	(450,862)	(50.83%)	0.72%	2,305,463	(1,617,907)	(41.39%)	1.58%
CM/SD - STUDENT FARECARDS	1,000	50,224	49,224	4923.40%	0.08%	617,466	456,466	135.67%	0.42%
U-PASS	142,098	171,000	28,902	20.34%	0.27%	716,968	96,784	16.17%	0.49%
MOBILE TICKETING	391,834	345,335	(46,499)	(11.87%)	0.55%	1,627,109	(112,692)	(9.59%)	1.12%
SUBTOTAL PASSENGER FARES	2,474,455	1,731,412	(743,043)	(30.07%)	2.74%	8,744,735	(2,631,594)	(23.19%)	6.00%
OPERATING SUBSIDIES:									
SALES & USE TAX	16,865,570	17,263,745	1,298,175	7.46%	27.37%	91,212,517	4,326,623	4.52%	62.58%
SUBTOTAL OPERATING SUBSIDIES	16,865,570	17,263,745	1,298,175	7.46%	27.37%	91,212,517	4,326,623	4.52%	62.58%
OTHER REVENUE:									
ADVERTISING/CONCESSIONS/COMMISSIONS	1,585	55,261	53,676	3181.40%	0.09%	377,045	146,914	(55.27%)	0.26%
NAMING RIGHTS LESS COMMISSIONS	-	-	-	-	0.00%	175,000	630,472	(61.56%)	0.12%
RENTAL INCOME	97,690	6,822	(90,868)	(93.02%)	0.01%	193,729	180,056	(31.74%)	0.13%
INTEREST INCOME	111,391	7,584	(103,807)	(93.24%)	0.01%	42,111	(11,045,734)	(96.19%)	0.03%
OTHER	56,272	10,335	(45,937)	(82.26%)	0.02%	47,769	(248,245)	(95.89%)	0.03%
SUBTOTAL OTHER REVENUE	278,038	80,042	(1,980,996)	(70.36%)	0.13%	835,675	(2,138,051)	(71.82%)	0.57%
REIMBURSEMENTS AND OTHER SOURCES OF CASH:									
FUELING/PROPANE TAX REFUNDS	77,796	119,035	41,239	62.14%	0.19%	784,122	(102,582)	(11.37%)	0.55%
GRANT REIMBURSEMENT (FEDERAL STATE, LOCAL MATCH)	55,394	8,318	(47,076)	(84.98%)	0.01%	51,039	(58,611)	(63.37%)	0.04%
PREVENTIVE MAINTENANCE (FEDERAL, STATE, LOCAL MATCH)	-	7,159,657	7,159,657	-	12.35%	7,159,657	12,421,521	(25.27%)	4.91%
FEDERAL OPERATING ASSISTANCE	-	-	-	-	0.00%	-	-	-	0.00%
MISCELLANEOUS RECEIPTS	37,371	26,057	(11,314)	(30.27%)	0.04%	243,506	(316,161)	(56.49%)	0.17%
FEDERAL CORSDAA	-	36,599,166	36,599,166	-	58.17%	36,599,166	36,599,166	-	25.28%
SUBTOTAL REIMBURSEMENTS AND OTHER SOURCES OF CASH	165,561	44,011,233	43,845,672	26483.05%	69.76%	44,951,490	23,628,051	303.82%	30.84%
TOTAL CASH RECEIVED - GENERAL FUND	\$ 18,375,624	\$ 63,086,413	\$ 44,110,789	232.46%	100.00%	\$ 145,744,518	\$ 15,983,114	29.37%	100.00%

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
SALES AND USE TAXES
ACTUAL RECEIPTS THROUGH JUNE 2021**

MONTH RECEIVED	2019 ACTUAL	2020 ACTUAL	2021 (A) ESTIMATE	2021 MONTHLY ACTUAL VERSUS 2021 MONTHLY ESTIMATE		2020 YTD ACTUAL	2021 YTD ESTIMATE	2021 VERSUS 2020 YTD % CHANGE		2021 YTD % EST VARIANCE
				2021 MONTH % CHANGE	2021 MONTHLY ESTIMATE			2020 YTD ACTUAL	2021 YTD ESTIMATE	
JANUARY	\$17,311,711	\$18,303,734	\$17,598,541	5.18%	\$17,311,711	\$18,303,734	\$17,598,541	1.13%	1.13%	5.18%
FEBRUARY	\$17,753,526	\$18,450,284	\$18,048,702	(0.37%)	\$35,065,237	\$36,753,998	\$35,648,243	(2.54%)	(0.71%)	2.37%
MARCH	\$19,588,186	\$21,219,411	\$19,913,866	3.77%	\$54,653,423	\$57,973,409	\$55,562,109	(2.61%)	(1.41%)	2.67%
APRIL	\$15,303,867	\$16,460,465	\$15,558,314	7.92%	\$69,957,290	\$74,433,873	\$71,120,423	2.01%	(0.65%)	3.98%
MAY	\$15,802,827	\$15,293,102	\$16,085,570	7.46%	\$85,760,117	\$89,726,976	\$87,185,993	12.89%	1.66%	4.52%
JUNE	\$18,297,841	\$15,926,194	\$18,602,067	14.04%	\$104,057,958	\$105,653,169	\$105,788,060	33.20%	6.41%	6.28%
JULY	\$16,425,144	\$13,364,539	\$16,698,234							
AUGUST	\$17,918,246	\$17,532,128	\$18,216,161							
SEPTEMBER	\$19,225,063	\$19,653,853	\$19,544,706							
OCTOBER	\$17,757,984	\$18,570,261	\$18,053,234							
NOVEMBER	\$18,251,949	\$17,091,363	\$18,555,412							
DECEMBER	\$18,555,735	\$18,282,055	\$18,864,249							
TOTAL	\$212,192,979	\$210,147,468	\$215,720,056							

Summary:

Month
 33.20% (\$5,287,870) higher than June 2020 Actual
 14.04% (\$2,611,457) higher than June 2021 estimate

YTD

6.41% (\$6,773,513) higher than 2020 Actual
 6.28% (\$5,638,622) higher than 2021 estimate

(A) 2021 Monthly estimates changed based on more up to date information

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
INVENTORY OF TREASURY INVESTMENTS
AS OF MAY 31, 2021**

FUND	PURCHASE DATE	MATURITY DATE	INSTRUMENT	INSTITUTION	TERM DAYS	TOTAL PRINCIPAL	ACCRUED INTEREST	AVERAGE DAYS TO MATURITY	AVERAGE YIELD
BOND RETIREMENT FUND	5/28/2021	6/1/2021	MONEY MARKET	HUNTINGTON BANK	4	\$14,492,489	\$0	4	0.02%
	5/8/2019	5/31/2021	TREASURY BILL FOR PREMIUM	HUNTINGTON BANK	752	\$719,364	\$5,102	1	2.10%
	5/8/2019	5/31/2022	TREASURY BILL FOR PREMIUM	HUNTINGTON BANK	1118	\$247,412	\$2,224	364	2.10%
	5/8/2019	11/30/2021	TREASURY BILL FOR PREMIUM	HUNTINGTON BANK	936	\$1,665,366	\$14,945	183	2.10%
TOTAL BOND RETIREMENT FUND					\$17,124,630	\$22,271		0.32%	
GENERAL FUND	5/28/2021	6/1/2021	MERCHANT ACCT-KEY MMKT	KEY BANK	4	\$80,467	\$0	4	0.35%
	3/1/2021	3/1/2024	FFCB	STIFEL NICOLAUS	1095	\$4,997,500	\$3,160	1004	0.25%
	5/28/2021	6/1/2021	NATXNY CP	HILLTOP SECURITIES	167	\$4,996,521	\$813	98	0.15%
	5/28/2021	6/1/2021	STAR OHIO	STATE OF OHIO	4	\$90,985,758	\$0	4	0.08%
	5/28/2021	6/1/2021	EMPLOYEE ACTIVITY FUND	KEY BANK	4	\$110,562	\$0	4	0.35%
	5/28/2021	6/1/2021	PNC CUSTODY ACCOUNT	PNC BANK	4	\$8,208	\$0	4	0.01%
	5/28/2021	6/1/2021	SALES TAX ACCOUNT	HUNTINGTON BANK	4	\$4,341	\$0	4	0.03%
	5/28/2021	6/1/2021	KEY ECR	KEY BANK	4	\$11,155,625	\$0	4	0.35%
	TOTAL GENERAL FUND					\$112,338,981	\$3,972		0.12%
	INSURANCE FUND	5/28/2021	6/1/2021	STAR OHIO	STATE OF OHIO	4	\$4,809,980	\$0	4
5/28/2021		6/1/2021	KEY ECR	KEY BANK	4	\$3,036,236	\$0	4	0.35%
TOTAL INSURANCE FUND					\$7,846,217	\$0		0.18%	
LAW ENFORCEMENT FUND	5/28/2021	6/1/2021	LAW ENFORCEMENT	KEY BANK-SWEEP	4	\$64,486	\$0	4	0.35%
	5/28/2021	6/1/2021	STAR OHIO	STATE OF OHIO	4	\$44,023	\$0	4	0.08%
TOTAL LAW ENFORCEMENT FUND					\$108,509	\$0		0.18%	
LOCAL MATCH FUND	3/17/2020	1/24/2023	LOCAL MATCH-FFCB	STIFEL NICOLAUS	1042	\$5,091,175	\$28,700	602	1.64%
	4/30/2021	5/3/2021	2019 DEBT ACCT-STAR OHIO	STATE OF OHIO	4	\$13,065,902	\$0	4	0.08%
	5/28/2021	6/1/2021	2019 DEBT ACCT-KEY ECR	KEY BANK	4	\$539,432	\$0	4	0.75%
	5/28/2021	6/1/2021	LOCAL MATCH-STAR OHIO	STATE OF OHIO	4	\$30,164,682	\$0	4	0.08%
	5/28/2021	6/1/2021	LOCAL MATCH-KEY ECR	KEY BANK	4	\$697,337	\$0	4	0.35%
	5/28/2021	6/1/2021	GRANT-ECR	KEY BANK	4	\$1,843,351	\$0	4	0.35%
	5/28/2021	6/1/2021	CATCH BASIN-KEY ECR	KEY BANK	4	\$101,884	\$0	4	0.35%
TOTAL LOCAL MATCH FUND					\$51,503,763	\$28,700	0	0.25%	
PENSION FUND	5/28/2021	6/1/2021	KEY ECR	KEY BANK	4	\$92,504	\$0	4	0.35%
	5/28/2021	6/1/2021	STAR OHIO	STATE OF OHIO	4	\$1,228,021	\$0	4	0.08%
TOTAL PENSION FUND					\$1,321,525	\$0		0.10%	

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
INVENTORY OF TREASURY INVESTMENTS
AS OF MAY 31, 2021**

FUND	PURCHASE DATE	MATURITY DATE	INSTRUMENT	INSTITUTION	TERM DAYS	TOTAL PRINCIPAL	ACCRUED INTEREST	AVERAGE DAYS TO MATURITY	AVERAGE YIELD
RTA CAPITAL FUND	5/28/2021	6/1/2021	KEY ECR	KEY BANK	4	\$10,214,978	\$0	4	0.35%
	4/5/2021	4/5/2024	FFCB	STIFEL NICOLAUS	1095	\$2,000,000	\$1,027	1056	0.33%
	3/4/2021	3/4/2024	FNMA	STIFEL NICOLAUS	1095	\$499,790	\$391	1007	0.34%
TOTAL RTA CAPITAL FUND					\$12,714,768	\$1,418		0.35%	
RESERVE FUND	3/17/2020	1/24/2023	FFCB	STIFEL NICOLAUS	1042	\$5,091,175	\$28,700	602	1.64%
	5/28/2021	5/28/2024	FHLB	STIFEL NICOLAUS	1095	\$3,000,000	\$125	1092	0.50%
	5/28/2021	6/1/2021	KEY ECR	KEY BANK	4	\$907,165	\$0	4	0.35%
	5/28/2021	6/1/2021	STAR OHIO	STATE OF OHIO	4	\$54,413,318	\$0	4	0.08%
TOTAL RESERVE FUND					\$63,411,658	\$28,825		0.23%	
TOTAL ALL FUNDS					\$266,370,051	\$85,186	71	0.20%	

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
DEBT SERVICE SCHEDULE AND STATUS
AS OF MAY 31, 2021

Bonds	Final Maturity Date	Total Principal Outstanding 12/1/2020	Interest Payable/ 6/1/2021	Principal Payable/ 6/1/2021	Debt Service Requirement/ 6/1/2021	Interest Payable/ 12/1/2021	Principal Payable/ 12/1/2021	Debt Service Requirement/ 12/1/2021	Total Debt Requirement 2021
Series 2012-Sales Tax Rev.	Dec. 2024	10,500,000.00	262,500.00	0.00	262,500.00	262,500.00	3,300,000.00	3,562,500.00	3,825,000.00
Series 2014A-Sales Tax Rev.	Dec. 2025	10,305,000.00	240,725.00	0.00	240,725.00	240,725.00	3,730,000.00	3,970,725.00	4,211,450.00
Series 2015-Sales Tax Rev.	Dec. 2034	41,360,000.00	1,034,000.00	0.00	1,034,000.00	1,034,000.00	3,350,000.00	4,384,000.00	5,418,000.00
Series 2016-Sales Tax Rev.	Dec. 2031	15,000,000.00	374,900.00	0.00	374,900.00	374,900.00	10,000.00	384,900.00	759,800.00
Series 2019-Sales Tax Rev.	Dec. 2039	29,095,000.00	727,375.00	0.00	727,375.00	727,375.00	955,000.00	1,682,375.00	2,409,750.00
Total Bonds		\$106,260,000.00	\$2,639,500.00	\$0.00	\$2,639,500.00	\$2,639,500.00	\$11,345,000.00	\$13,984,500.00	\$16,624,000.00

Bond Retirement
\$16,877,218

Current Balance (Set Aside for 2021)

Monthly Set Aside Required
\$0

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
SUMMARY OF INVESTMENT PERFORMANCE
YEAR TO DATE THROUGH MAY 31, 2021**

MONTH	2021			2020		
	AVERAGE BALANCE	INTEREST EARNED	AVERAGE YIELD	AVERAGE BALANCE	INTEREST EARNED	AVERAGE YIELD
JANUARY	\$247,915,757	\$25,844	0.24%	\$153,025,000	\$306,867	1.94%
FEBRUARY	\$241,578,777	\$39,883	0.21%	\$147,326,500	\$177,033	1.33%
MARCH	\$233,701,962	\$31,822	0.22%	\$153,725,000	\$446,742	1.49%
APRIL	\$226,630,970	\$31,038	0.20%	\$150,720,000	\$364,880	1.17%
MAY	\$251,992,878	\$32,939	0.20%	\$187,360,000	\$234,705	0.86%
JUNE				\$212,554,447	\$209,413	0.75%
JULY				\$221,871,717	\$58,135	0.74%
AUGUST				\$232,155,834	\$93,171	0.48%
SEPTEMBER				\$236,404,000	\$28,674	0.39%
OCTOBER				\$267,168,925	\$28,216	0.28%
NOVEMBER				\$255,122,283	\$4,471	0.24%
DECEMBER				\$240,885,693	\$9,764	0.27%
YEAR TO DATE	240,364,069	\$161,526	0.21%	\$184,786,142	\$2,008,071	0.88%
RTA AVERAGE YIELDS OVER (UNDER) INDEX			0.13%			0.24%
						0.64%
						0.25%
						0.63%

Moving average coupon equivalent yields for 6 month Treasury Bills.

Market Yield equals US Treasury Money Fund 7 Day Yield

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
 REPORT ON INVESTMENT EARNINGS (CASH BASIS)
 MAY 2021

BOND RETIREMENT FUND			
HUNTINGTON MONEY MARKET			
	MAY 2021		\$176.63
	2021 YEAR TO DATE		\$176.63
	2020 YEAR TO DATE		\$384.20
			\$7,100.74
GENERAL FUND			
HUNTINGTON-SALES TAX ACCOUNT			
STAROHIO			\$0.13
KEY BANK SWEEP ACCOUNT			\$7,438.30
PNC CUSTODY ACCOUNT			\$152.37
MERCHANT ACCOUNT-KEY BANK SWEEP ACCOUNT			\$1.99
			<u>\$1.88</u>
	MAY 2021		\$7,594.67
	2021 YEAR TO DATE		\$42,111.28
	2020 YEAR TO DATE		\$275,045.85
INSURANCE FUND			
STAROHIO			\$312.15
			<u>\$312.15</u>
	MAY 2021		\$13,573.42
	2021 YEAR TO DATE		\$87,619.87
	2020 YEAR TO DATE		
LAW ENFORCEMENT FUND			
KEY BANK SWEEP ACCOUNT			\$0.31
STAROHIO			<u>\$2.86</u>
			\$3.17
	MAY 2021		\$16.66
	2021 YEAR TO DATE		\$260.42
	2020 YEAR TO DATE		

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
REPORT ON INVESTMENT EARNINGS (CASH BASIS)
MAY 2021**

LOCAL MATCH FUND
STAROHIO-LOCAL MATCH
STAROHIO-2019 DEBT
KEY BANK SWEEP ACCOUNT

\$372.83
\$852.82
- \$3.68
\$1,229.33
\$48,198.47
\$295,956.29

MAY 2021
2021 YEAR TO DATE
2020 YEAR TO DATE

PENSION FUND
STAROHIO
KEY BANK SWEEP ACCOUNT

\$79.76
\$0.48
\$80.24
\$436.11
\$1,114.80

MAY 2021
2021 YEAR TO DATE
2020 YEAR TO DATE

EMPLOYEE ACTIVITY ACCOUNT
KEY BANK MONEY MARKET

\$1.22
\$1.22
\$6.30
\$144.73

MAY 2021
2021 YEAR TO DATE
2020 YEAR TO DATE

RTA CAPITAL FUND
KEY BANK SWEEP ACCOUNT

\$34.94
\$34.94
\$209.63
\$99,928.07

MAY 2021
2021 YEAR TO DATE
2020 YEAR TO DATE

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
 REPORT ON INVESTMENT EARNINGS (CASH BASIS)
 MAY 2021

RESERVE FUND
 STAROHIO
 KEY BANK SWEEP ACCOUNT

\$3,045.67
\$12.37
 \$3,058.04
 \$57,613.82
 \$168,587.17
 \$12,490.39
 \$162,549.89
 \$935,757.94

MAY 2021
 2021 YEAR TO DATE
 2020 YEAR TO DATE
 MAY 2021
 2021 YEAR TO DATE
 2020 YEAR TO DATE

TOTAL ALL FUNDS

2021 YEAR
 TO DATE
 \$162,550

MAY
 \$12,490

INTEREST RECEIVED (CASH BASIS)

ACCRUED INTEREST:

BEGINNING:

ENDING:

INTEREST INCOME EARNED:

AVERAGE INVESTMENT BALANCE (COST):

AVERAGE YIELD ON INVESTMENTS:

(\$64,738)
 \$85,186
 \$32,939

\$251,992,878

\$240,364,069

0.20%

0.21%

COMPOSITION OF INVESTMENT PORTFOLIO
AS MAY 31, 2021

Instrument	PRINCIPAL	FACE	PERCENT OF	AVERAGE	AVERAGE
	AMOUNT	AMOUNT	TOTAL	YIELD	MATURITY
Money Market Account	\$14,577,297	\$14,577,296	5.47%	0.02%	4
Key Bank Sweep Account	\$183,256	\$183,256	0.07%	0.35%	4
Star Ohio	\$194,712,684	\$194,712,684	73.10%	0.08%	4
Earnings Credit Rate Account	\$28,588,512	\$28,588,512	10.73%	0.35%	4
Commercial Paper	\$4,996,521	\$5,000,000	1.88%	0.15%	98
U.S. Government Securities	\$23,311,780	\$23,160,000	8.75%	1.00%	752
Total Investment Portfolio	<u>\$266,370,051</u>	<u>\$266,221,748</u>	<u>100.00%</u>	<u>0.20%</u>	<u>71</u>

Greater Cleveland Regional Transit Authority
 Banking and Financial Relationships
 As of May 31, 2021

Bank/Financial Institution	Nature of relationship
Key Bank	Main banking services
PNC Bank	Custodial Account and Credit card
Fifth Third	Escrow Account
Huntington Bank	Bond Retirement and Sales Tax Account Underwriter STAR Ohio-Investments
Bank of New York Mellon	Bond Registrar
BMO Harris Bank	Fuel Hedge

NOTE:

This information is being provided for applicable individuals to be in compliance with:

- Ohio Revised Code Sections 102.03(D) and (E)
- Ohio Ethics Commission Informal Opinion Number 2003-INF-0224-1
- Ohio Ethics Commission Staff Advisory Opinion to Sheryl King Benford [DGM - Legal Affairs] dated May 6, 2020
- Ohio Ethics Commission Opinion Number 2011-08
- Ohio Ethics Commission Staff Advisory Opinion to R. Brent Minney dated March 27, 2012

Please refer to Chapter 656 of the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority (Travel Policy), Administrative Procedure 024 and Board of Trustees Resolution No. 2020-80 for additional information.