

RESOLUTION NO. 1998 - 24

AUTHORIZING A REVISION OF THE GREATER CLEVELAND
REGIONAL TRANSIT AUTHORITY'S DRUG AND ALCOHOL
POLICY COVERING SAFETY-SENSITIVE POSITIONS

WHEREAS, the Greater Cleveland Regional Transit Authority is required by the Federal Transit Administration to maintain a drug and alcohol program as a condition to receiving federal financial assistance;

WHEREAS, the Greater Cleveland Regional Transit Authority has a deep concern for the well-being of its employees and the safety of its patrons and public at large;

WHEREAS, the Greater Cleveland Regional Transit Authority has a governmental interest in ensuring the well-being of its employees, the safety of its patrons and traveling public and is thereby justified in prohibiting employees from using drugs and alcohol on duty or while subject to being called for duty or having it in their system while on duty; and

WHEREAS, having a clearly-defined drug and alcohol policy will assist the Board of Trustees and management in establishing a drug-free workplace which in turn would reduce accidents and casualties in the performance of its operation.


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

Section 1. That the revised Drug and Alcohol Policy, shown in Attachment A hereto, is hereby adopted as official policy of the Authority covering safety-sensitive positions.

Section 2. That this Resolution shall become effective immediately upon its adoption.

Attachment A: Drug and Alcohol Policy for Safety Sensitive Employees

Adopted: February 17, 1998



President

Attest: 

General Manager/Secretary-Treasurer

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

DRUG AND ALCOHOL TESTING POLICY FOR SAFETY-SENSITIVE POSITIONS

I. Policy Statement

It is the policy of the Greater Cleveland Regional Transit Authority to provide the safest possible transportation and work environment for its employees. Furthermore, the Authority is required to comply with the regulations issued by the Federal Transportation Administration, including regulations requiring mandatory drug and alcohol testing of certain public transportation employees. In view of these responsibilities, the Authority will require all safety-sensitive employees to submit to testing for the presence of alcohol and/or drugs. All employees must be free of drugs and/or alcohol when performing a safety-sensitive function. It is important to note that this Drug and Alcohol Testing Policy for Safety-Sensitive Employees is mandatory and independent of the Employee Assistance Program.

II. Identification of Safety-Sensitive Positions

Personnel Services maintains the listing for safety-sensitive job classifications based on specific job duty criteria. A safety-sensitive employee is defined as follows:

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

GCRTA has identified that bus and rail operators, transit police, mechanics and other maintenance employees and track and power personnel are safety-sensitive. Supervisory staff who perform the above functions are also classified as safety-sensitive. A detailed listing for all safety-sensitive positions is available in the Drug and Alcohol Procedure Manual.

III. Required Testing by Federal Regulation

According to the FTA Drug and Alcohol 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). The use of marijuana, cocaine, amphetamines, opiates and phencyclidine is prohibit at all times and employees may be drug tested anytime while on Authority property. Drug and/or alcohol testing will be performed under the following circumstances:

- At the time of the pre-employment and at the time any employee transfers from a non-safety sensitive position to a safety-sensitive position*
- At the time of return-to-duty
- At any time when there is a “reasonable suspicion” of employee drug/alcohol use.(See section VII. of this policy)
- When an employee is involved in a fatal or non-fatal accident (See section VIII of this policy)
- When an employee is selected for random testing
- Follow-up SAP testing

IV. Required Testing by GCRTA

The following conditions will require drug and alcohol testing as determined by Greater Cleveland Regional Transit Authority:

- Pre-employment alcohol testing*
- When an employee returns from a sickness/accident leave of greater than 5 working days;
- When there is any unscheduled absence from work where the employee was absent without leave;
- As a condition of discipline due to previous offense under this policy; or
- When an employee is involved in a non-fatal accident that is specifically noted as required by GCRTA (See section VIII of this policy)

*Only drug testing is required under FTA regulations for pre-employment, however, GCRTA requires that alcohol testing be taken and passed as a condition of employment. When drug and alcohol testing is required by GCRTA, the standardized Federal Drug Testing Custody and Control Form cannot be used. The collection site will use non non-Federal custody and control forms following the same chain of custody and security procedures. Employees must be notified whether they are being tested under the FTA required program or the GCRTA program .

V. Employment or Pre-Placement Testing

The FTA regulations require that all applicants for employment in safety-sensitive positions or individuals being transferred into safety-sensitive positions must take and pass a drug test. Although alcohol testing is not required by FTA for employment, GCRTA requires that all employment and pre-placement applicants have an alcohol test. Alcohol testing for pre-employment will be performed utilizing non-Federal custody and control forms by the collection site.

The purpose of employment testing is to identify applicants who have current drug/alcohol problems and to prevent the negative impact that drugs and alcohol have on the work place. As part of the employment process, Personnel Services of the Human Resources Division notifies the applicant/employee in writing of the requirement to pass drug and alcohol testing successfully in order to obtain job placement. In the event drug and/or alcohol tests are considered a “canceled test” or results are “invalid”, the applicant must retake and pass the drug/alcohol test before being hired.

VI. Random Testing

According to FTA regulations, all safety-sensitive employees are required to participate in random testing for drugs and alcohol. Current FTA regulations require that 50% of all safety-sensitive employees are tested for drugs and 10% are tested for alcohol. The purpose of random testing is to identify employees who are using drugs and/or misusing alcohol, but are able to use the predictability of other testing methods to escape detection. Random testing serves as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and assists in protecting the safety of the public, co-workers and the employee. Per FTA regulations random testing must occur twenty-four hours a day, seven days a week including holidays. GCRTA operates 24 hours a day, 7 days a week, 365 days a year. Therefore, random testing must be conducted around the clock, on weekends and holidays, in order to be unpredictable. Random 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; random drug testing may be performed at any time during the working shift.

According to FTA regulations, GCRTA is required to operate a random testing program utilizing a scientifically valid random number selection method to select candidates for testing. GCRTA's Information Systems Department in conjunction with Medical Services has designed a computer program to handle the random notification process, to select employees from the current number of safety-sensitive employees and to maintain the random selection file. GCRTA's contracted medical services provider utilizes a computer-based random number generator to provide the numbers that are entered in GCRTA's computer base for employee selection. The Random Testing Program is accessible only to authorized users and has a double security password system to protect the process from unofficial entry and to preserve employee confidentiality.

FTA requires that the random notification and testing process shall occur throughout the work day and throughout the selection period. GCRTA's random selection is made once a week and entered into the computer every Friday. Generally, seven to nine numbers are selected for each day for random testing. Authorized Users 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. If the employee is available for testing, the safety-sensitive employee will be informed that s/he has been selected for random testing with minimal notice at some time during their working shift. The employee will be informed what type of testing is to be performed, and will be immediately transported for testing. The employee has up to three (3) hours to complete testing and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. Failure to complete this process within the allotted time will be considered a refusal to test. (See Section XIII "Prohibited Conduct")

If an employee is not available 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. (ie: Friday through Friday) Every effort should 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 has been selected who is on a long-term absence or is on vacation during the selection week, Medical Services will be notified and a replacement number will be selected.

VII. Reasonable Suspicion Testing

The purpose in administering 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. The determination of reasonable suspicion may be made by one trained supervisor or transit police supervisor who can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech or body odors of the covered employee.

VIII. 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 other 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. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.

According to FTA an “accident” is defined as an occurrence requiring drug and alcohol testing:

- When a fatality occurs; or
- When one or more individuals require immediate transport to a medical facility and an operator or other safety sensitive individual cannot be discounted as a contributing factor; or
- Anytime a bus or CRT is involved and any vehicle receives “disabling damage” and an operator or other safety sensitive individual(s) cannot be discounted as a contributing factor; or
- Whenever a rail car is removed from service and an operator or other safety sensitive individual(s) cannot be discounted as a contributing factor.

“Disabling damage” is defined as “damage which precludes the departure of a motor 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; tire disablement; headlight/tail light damage or damage to the turn signals, windshield wipers or horn.

In the event of a fatality, all surviving covered employees operating the mass transit vehicle at the time of the incident and all other covered employees whose performance could have contributed to the accident will be subjected to FTA drug and alcohol testing. In the event of a non-fatality accident, all covered employees operating the mass transit vehicle unless their performance can be completely discounted as a contributing factor based on the best information available at the time of the decision and all other covered employees whose performance could have contributed to the accident will be subjected to FTA drug and alcohol testing.

The **FTA specifically requires** that post accident testing be administered as soon as practicable following the accident. The time frame for testing for drugs is a maximum of 32 hours and within 8 hours for alcohol testing. The regulations require that the supervisor document the reason if a post accident alcohol test is not administered within two hours following the incident.

GCRTA has contracted with a collection service to perform FTA testing following the required DOT chain of custody procedure for any injured employee. This service is to be utilized only if the employee requires hospitalization, can give consent, and cannot be transported to a collection site. In the event an employee cannot give consent for drug/alcohol testing, the testing is not to be performed for FTA purposes. (ex: employee is seriously injured, unconscious or dead)

GCRTA policy warrants post accident testing when an employee either contributed to or cannot immediately be discounted from contributing to the accident, involving:

- A pedestrian
- A fixed object
- Two or more GCRTA vehicles
- A GCRTA vehicle striking the rear end of another vehicle
- A head-on collision
- A GCRTA vehicle sideswiping or broadsiding another vehicle
- Physical damage greater than \$5,000

FTA mandated testing as outlined above takes precedence over GCRTA required testing. The criteria to perform FTA post accident testing will be satisfied first before consideration is given to utilize GCRTA criteria. When post accident testing is required based on GCRTA criteria, only non-Federal custody and control forms will be used by the collection site.

IX. Return to Duty Testing

According to **FTA regulations**, before an employee is allowed to return to duty to perform a safety-sensitive function following a verified positive drug or alcohol test result, that employee must first be evaluated by a Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test. 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.

Federal regulations require that before any employee is allowed to return to duty to perform a safety-sensitive function that employee must first be evaluated by the SAP and pass a return to duty testing whenever any of the following have occurred:

- a verified positive drug test result
- a Blood Alcohol Content (BAC) of 0.04 or greater
- any other activity that violates the regulations including refusal to submit to testing

X. Follow-up Testing

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. When an employee is returned to duty, unannounced follow-up testing will be performed.

The SAP must present GCRTA's Medical Services with 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 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; it can be terminated by the SAP following completion of the mandatory requirements. Follow-up testing is in addition to any random testing process.

XI. 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. The **GCRTA requires** that all employees 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; an alcohol concentration of 0.04 or greater; or refusal to submit to testing must be removed from any safety-sensitive function and must be evaluated by a Substance Abuse Professional (SAP). Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

- **Alcohol**

In accordance with FTA regulations, a safety sensitive employee must not consume alcohol while performing a safety sensitive function, four (4) hours prior to performing a safety sensitive function and up to eight (8) hours following an accident or until the employee undergoes post accident testing, whichever occurs first. At all other times 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 it was ingested as beverage alcohol or in a medicinal or other preparation. If an employee tests positive for alcohol within the prohibited time frame above, the following disciplinary action occurs:

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| a) Job Applicants: | Not hired |
| b) Probationary Employee: | Immediate Discharge |
| | |
| c) Non Probationary Employee: | |
| BAC of 0.08 or greater | First Offense: Immediate Discharge |
| BAC of 0.04 -0.079 | First Offense: 30 day conditional suspension with referral to SAP; EAP participation and completion of follow up treatment; return to work drug/alcohol test with negative results. Should the employee test .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 years: Discharge |
| BAC of 0.02 -0.039 | FTA requires a second test only if the employee will be returning to work before eight (8) hours are completed. |
| | In the event that the employee is not to return prior to the eight (8) hours are complete the following GCRTA policy will be followed:
Remove from safety sensitive position for eight (8) hours; |
| | <ul style="list-style-type: none">• When an employee has been removed from a safety sensitive position for eight hours after a BAC of 0.02 to 0.039, the employee will be required to undergo a second test and test below a 0.02 BAC prior to being returned to a safety sensitive function. |

- Should the employee again test 0.02 but less than 0.04 BAC, the employee will be referred for a SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow up test with a test level less than 0.02 prior to being returned to a safety sensitive function.
- 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 of an employee with a BAC of 0.02 to 0.039 will result in a thirty day conditional suspension/SAP referral.
- Third offense with a three year period with a BAC of 0.02 to 0.039 BAC will result in discharge.

When the employee is tested after eight (8) hours, under GCRTA policy, non-Federal custody and control forms will be used by the collection site.

- **Marijuana-Related Substances**

In accordance with **FTA regulations** the following applies:

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|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) Job applicants: | Not hired |
| b) Probationary Employees | Immediate Discharge |
| c) Non- Probationary Employees
First Offense: | Thirty day conditional suspension; SAP referral; EAP participation and completion of follow up treatment; return to work drug/alcohol test with negative results. 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 30 days subject to the conditions set forth above. In the event that the employee fails his/her second return to work drug test s/he shall be immediately discharged.

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| Second Offense: | Immediate Discharge within three (3) year period following first offense. |
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• **Prohibited Drugs (not including marijuana or prescription drugs)**

Prohibited drugs are cocaine, opiates, phencyclidine (PCP) and amphetamines. In accordance to with FTA regulations the following applies:

- a) Job applicants Not hired
- b) Probationary & Non-Probationary Employees: Immediate Discharge for random, reasonable cause, post accident, pre-placement exams/testing*

*In the event that prohibited drugs are discovered during biennial examination, it is GCRTA's policy to give a thirty day conditional suspension; SAP referral; EAP participation and completion of follow-up treatment and return to work drug/alcohol test with negative results for the first offense and follow-up testing. Second offense within a three year period will result in immediate discharge.

• **Prescription Drugs**

In accordance with **GCRTA policy** the following applies:

a) Job Applicants:

If 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 Personnel Services has received the following information prior to testing:

- Notification of the use of the prescription drug
- A doctor's letter indicating the employee's ability to perform his/her proposed job duties is not impaired or if impaired, the duration of time their abilities would be impaired.

b) Probationary and Non-probationary Employees:

If an employee tests positive for a prescription drug which may affect his/her ability to perform the employee's proposed job duties, s/he will be discharged unless the employee has provided their supervisor with a notification of the use of a prescription drug **and** a doctor's letter indicating the employee's ability to perform his/her job duties is not impaired or if impaired, the duration of time their abilities would be impaired.

c) Testing for drugs other than FTA/DOT mandated:

GCRTA has the right to test for drugs other than those mandated by FTA/DOT (ie: marijuana, cocaine, amphetamines, opiates and phencyclidine). In the event that GCRTA chooses to test for other drugs, the test must be performed separately from the FTA test 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.

XII. Prohibited Behavior

According to the Drug Free Workplace Act of 1988, employees are prohibited from engaging in the unlawful manufacture, distribution, dispersion, possession and use of controlled substances in the workplace. It is the **policy of GCRTA** that the use, sale or possession of drugs or alcohol while on duty will result in immediate discharge. Trafficking of illegal drugs **or** the manufacture of illicit drugs resulting in a criminal conviction will result in immediate discharge.

As required by **FTA's regulations** GCRTA is required to identify behavior that constitutes a refusal to submit to drug and alcohol testing. In compliance with this requirement the following behavior constitutes refusal:

- verbal or written refusal by any employee to submit to urine and/or breath test,
- any employee who has an inability to provide sufficient quantities of breath or urine to be tested without medical justification by an Authority designated physician,
- any employee whose conduct prevents the completion of required drug and/or alcohol test,
- 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 has the same consequences as a positive test . The employee will be immediately discharged. Further, any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged. Termination/discharge action as described in sections XI and XII is mandated by GCRTA.

XIII. Testing Procedure

- **Alcohol Testing procedure**

The FTA regulations require that breath alcohol testing be conducted on safety-sensitive employees. The use of saliva test kits and non-EBTs may be used for screening tests. However, for confirmation testing, only an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA) will be used. The confirmation test must be performed by a certified breath alcohol technician (BAT).

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. An employee with an alcohol concentration of 0.02 or greater but less than 0.04 must be removed from duty for eight (8) hours or until a retest shows an alcohol concentration of 0.02 or less.

- **Evidential Breath Testing Devices (EBT)**

An EBT 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.

GCRTA will utilize collection sites that have NHTSA approved EBTs allowing the performance of screening and confirmation testing at one site. Confirmation testing equipment must provide the following:

- triplicate printed results
- assign unique and sequential numbers
- print the manufacturer's name for device, the device's serial number, and the time of the test.

The EBT must have a manufacture-developed quality assurance plan approved by NHTSA 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.

- Breath Alcohol Technician (BAT)

Alcohol tests must be performed by a breath alcohol technician who is trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by the regulations.

- Alcohol testing procedure

The breath alcohol testing location should afford privacy and not permit unauthorized persons access to any unsecured location. The following procedure is to be used by GCRTA testing sites:

1. Upon arrival at the collection site, the employee's identity is verified by a valid Ohio driver's license, GCRTA identification card with photo or by accompanying supervisor.
2. After testing procedures are explained to the employee, the employee and the BAT must complete, date and sign steps 1 and 2 of the alcohol testing form. The employee must complete step 1 before the BAT completes step 2.
3. The BAT must open an individually sealed, disposable mouth piece in view of the employee and attach it to the EBT.
4. The BAT will instruct the employee to forcefully blow into the mouth piece for at least six seconds or until an adequate amount of breath has been obtained. **Per FTA regulations, only two (2) attempts are permitted.** In addition EBTs are NOT to be manipulated to assist the employee in providing an adequate amount of breath.
5. The BAT must show the employee the results displayed on the EBT and/or the printed results.
6. If the results of the test is an alcohol concentration of less than 0.02, the test will be reported to RTA as a negative test.
7. If the results of the test is 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 20 minutes, after the completion of the initial test.**
8. During the waiting period for confirmation testing, the employee will be instructed not to eat, drink, or put any object/substance in his/her mouth. The BAT must inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. Any disregards of instructions shall be recorded in the "Remarks" area.
9. Before the confirmation test is administered, the BAT shall conduct an airblank test on the EBT. The reading should not be greater than 0.00.
10. In the event that the EBT fails to print a confirmation test result, the breath alcohol test will be considered invalid.
11. The BAT and the employee will complete steps 3 and 4 on the alcohol testing form. The employee is given the green copy.
12. The results of the breath alcohol test, whether negative or positive, must be affixed to the alcohol testing form with tamper resistant tape.
13. If a result is confirmed at a concentration level of 0.02 or greater, the collection site shall notify RTA's Medical Services Coordinator at 566-5106. After business hours, collection sites shall call 566-5106 and leave a voice mail message.

14. Hard copy results will be forwarded to RTA Medical Services at 1240 W. 6th Street, Cleveland, Ohio 44113 by US Mail or courier and marked "Confidential" to the attention of the Medical Services Coordinator.
15. In order to confirm that telephoned results are valid when received from the collection site, Medical Services personnel will call the collection site after to confirm the results and verify the identification of the person reporting the results.
16. If an employee attempts and fails to provide an adequate amount of breath s/he will be referred to an RTA authorized physician specializing in pulmonology for evaluation concerning the employee's ability to provide an adequate amount of breath. (See Section XII "Prohibited Behavior")

- **Drug testing procedure**

The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only DHHS accredited testing laboratories that utilize state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results.

Following FTA regulations, 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. In the event that these optional tests are to be performed, they will be performed separately from FTA required testing. Testing procedures will consists of specimen collection, laboratory testing, MRO review and SAP referral.

- **Drug Specimen Collection**

GCRTA has contracted with PharmChem Laboratories, Inc. (DHHS, SAMHSA, National Laboratory Certification Program Certificate, Lab code # 0510000013) to perform drug testing. Through this contracted service, there are identified specific collection sites available throughout the Greater Cleveland area that meet DOT specifications, are convenient for use and results are automatically sent to GCRTA's MRO. All sites follow DOT collection protocol. Each site provides 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 is restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye is used in each toilet and all other water sources are inoperable and taped.

Collection procedure requires that only DOT urine custody and control forms are used for FTA mandated tests and non-DOT urine custody forms will be used for GCRTA defined testing. The testing performed for GCRTA defined testing will test for the same five drugs as defined by DOT under the same stringent DOT requirements. The following protocol is followed for FTA and GCRTA testing:

1. The collection room is inspected for unauthorized personnel and materials.
2. The room is secured during collection to ensure privacy.
3. Employee's identity is verified by a valid Ohio driver's license, GCRTA identification card with photo or by accompanying supervisor.
4. The employee will remove any unnecessary outer garments and all other personal belongings will be placed in a secure area.
5. After the employee washes his/her hands, the collection cup will be unwrapped in the view of the employee.
6. The employee is taken to the secured restroom to collect the specimen. The minimum specimen amount is 45 ml.

7. The temperature of the specimen will be obtained within 4 minutes after specimen collection and the acceptable range must be between 90° and 100 ° F.
8. The collection site personnel will pour or “split” the sample of at least 15 ml in a separate bottle and leave the remaining specimen in the original container. This process will be performed in front of the employee.
9. Both bottles are sealed and labeled in the presence of the employee. The employee will initial the bottle labels on both containers after the label has been affixed to the bottles.
10. The signatures, social security number, birth date and current date will be completed on the custody and control form.
11. The appropriate portion of the custody and control form, the primary specimen, and split specimen will be placed in a single shipping container, initialed by the collection site person and placed in secured storage until laboratory pick up.
12. Observed collection will be performed **under FTA regulations** for the following:
 - when an attempt to alter a specimen has occurred; or
 - when the temperature of the specimen falls out of range and the employee declines to provide measurement of an oral body temperature or the body temperature measurement varies more than 1° C or 1.8° F from the temperature of the specimen.

Observed collection will be performed **under GCRTA requirements** for the following:

- the most recent urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2g/l; or
- 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.

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.

13. In the event that an employee is unable to provide an adequate specimen for testing, the employee will be immediately referred to an RTA authorized physician specializing in Urology for evaluation concerning the employee’s ability to provide an adequate amount of urine. (See Section XII “Prohibited Behavior”)

- **Laboratory Testing**

All drug testing under the FTA regulations must be completed in a laboratory certified by the Department of Health And Human Services (DHHS). All drug tests will comply to DOT regulations that require an immunoassay test be performed on the initial test and gas chromatography/mass spectrometry (GC/MS) used for confirmation testing for positives. As a method to maintain confidentiality, GCRTA requests that all drug results are reported utilizing the employee’s social security number only.

The laboratory must meet the following standards:

- Must be DHHS certified;
- Must screen urine specimens with immunoassay technique for specific drugs;
- Must confirm all positive specimens with GC/MS
- Must provide secure storage for split samples
- Must provide periodic summation reports consistent with 49 CFR Part 40.

The laboratory must comply with the federally mandated cut-off limits for the minimum quantity of drug detected in the in the initial test and confirmation test as follows:

Drug to be tested	Cut off limit Initial Test	Cut off limit Confirmation Test
Canabinoid	50ng/ml	15ng/ml
Cocaine	300ng/ml	150ng/ml
Opiates	300ng/ml	300ng/ml
Phencyclidine	25ng/ml	25ng/ml
Amphetamines	1000ng/ml	500ng/ml

- **Medical Review Officer**

In accordance with FTA regulations, if a confirmed positive drug test result is achieved, the employee will be contacted by the Medical Review Officer to review and 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

In the event an employee wishes to request a split sample request after hours (8-5pm Monday - Friday) or holidays and cannot contact the MRO, the employee shall call Medical Services, telephone number 566-5106 and leave a message on voice mail. The request will be considered within the allotted time period and the MRO will be notified by Medical Services that the employee has requested split sample testing within the allotted time period. MRO services are provided through contracted medical services with St. Michaels Medical Services. GCRTA's MRO is Dr. Romeo Enrique, M.D. at St. Michael's Medical Services, 1415 W. 9th Street, Cleveland, Ohio 44113; telephone number (216) 241-3990.

- **Substance Abuse Professional (SAP)**

The SAP must be a licensed physician, a licensed or certified psychologist, a licensed or certified social worker, 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;
- Evaluate if an employee has complied with treatment recommendations;
- Recommend if the employee is ready to return to work testing and follow up testing.
- Recommend the required number of follow up drug/alcohol tests after returning to duty.

SAP services are a contracted service provided by Great Lakes Psychological Services, Inc., 20525 Center Ridge Road, Suite 610, Rocky River, Ohio 44116. Pat Kerney is identified as the SAP and may be contacted through Solutions - EAP on a 24 hour basis at (216) 331-0848.

XV. 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: 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 affect 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. 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 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.

XVI. Employee Assistance Program

The Greater Cleveland Regional Transit Authority has a deep concern and interest in the health and welfare of its employees and recognizes the devastating effect of pervasive drug use and alcohol misuse has on it's employees. In light of this concern, the Authority has established a comprehensive Employee Assistance Program (EAP) to assist employees who are plagued by problems associated with drugs or alcohol. The Authority encourages its employees to participate in the EAP. Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

The Authority will permit all non-probationary employees who come forth voluntarily prior to being selected for a drug/alcohol test or who voluntarily enroll in a drug/alcohol rehabilitation program prior to being selected for a drug/alcohol test, to have one rehabilitation/treatment opportunity without being subject to disciplinary action in accordance with ADA.

XVII. Program Administration

The Alcohol and Drug program is administered under the Health and Safety Department by Medical Services. Linda Tancek, Medical Services Coordinator is identified as responsible for all aspects of compliance. Medical Services is located at the GCRTA Main Office Building, 1240 W. 6th Street, Cleveland, Ohio 44113; telephone number 566-5106.

References:

49 CFR Part 40

49 CFR Part 653

49 CFR Part 654

Drug-Free Workplace Act

FTA Drug And Alcohol Regulation Updates (Issues 1 through 6)