

# **Drug and Alcohol Policy**

**Chatham Area Transit Authority**





# **Drug and Alcohol Policy**

**Approved By: CAT Board of Directors on  
January 24, 2023**

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## 1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended, and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated but reflect CHATHAM AREA TRANSIT's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act, establishing drug-free workplace policies, and reporting and reporting certain drug-related offenses to the FTA.

**All CHATHAM AREA TRANSIT employees are subject to the provisions of the Drug-Free Workplace Act of 1988.**

**The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Drug-Alcohol Program Manager (DAPM), Chief Operating Officer at 912-629-3936 no later than five days after such conviction. Contact the Alternative DAPM Human Resources Manager ) at 912-629-3904**

## 2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license

- Controlling the movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

A volunteer is a covered employee if:

- (1) The volunteer is required to have a commercial driver's license to operate the vehicle; or
- (2) The volunteer performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred

See Attachment A for a list of covered positions by job title.

### **3. Prohibited Behavior**

The use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to a performance.

All covered employees are prohibited from consuming alcohol within four (4) hours before performing safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

#### **4. Consequences for Violations**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest result in the employee's alcohol concentration being less than 0.02.

##### Zero Tolerance

Per CHATHAM AREA TRANSIT policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) **and terminated from employment.**

#### **5. Circumstances for Testing**

##### Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is canceled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is canceled, the

individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

#### Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when CHATHAM AREA TRANSIT has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing at any time while on duty. Covered employees may be subject to reasonable suspicion of alcohol testing 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.

#### Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

##### Fatal Accidents

As soon as practicable following an accident involving the loss of human life, drug and alcohol tests will be conducted on each surviving covered

employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by CHATHAM AREA TRANSIT using the best information available at the time of the decision, will be tested.

### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incur disabling damage and must be towed away from the scene unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by CHATHAM AREA TRANSIT using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

### Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year.

Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year's testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may 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.

Each covered employee notified of selection for random drug or alcohol testing must immediately proceed to the designated testing site.

## **6. Testing Procedures**

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

### **Dilute Urine Specimen**

If there is a negative dilute test result, CHATHAM AREA TRANSIT will **conduct one additional retest**. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

### Split Specimen Test

In the event of a verified positive test result or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. CHATHAM AREA TRANSIT guarantees that the split specimen test will be conducted in a timely fashion.

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by CHATHAM AREA TRANSIT.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or CHATHAM AREA TRANSIT for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or CHATHAM AREA TRANSIT's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.

- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions and referred to an SAP.

## **8. Voluntary Self-Referral**

**Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Designated Employer Representative or Drug & Alcohol Program Manager who will refer the individual to a substance abuse counselor for evaluation and treatment.**

**The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.**

**Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until the successful completion of a prescribed rehabilitation program.**

## **9. Prescription Drug Use**

**The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Designated Employer Representative (DER). Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties. A legally prescribed drug means that the employee has received written or other approval from a physician for the use of the drug during medical treatment. A prescription shall be deemed valid if it includes the employee's name, substance prescribed, quantity and frequency, and period of authorization.**

**Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.**

### **Statement Regarding “Medical Marijuana”**

Regardless of any State Law allowing the use of “legalized medical marijuana/cannabis,” the US Department of Transportation’s Drug and Alcohol Testing Regulation (49 CFR Part 40) does not authorize the use of Schedule I drugs, including marijuana or other products containing THC, for any reason. Therefore, a Medical Review Officer (MRO) will not verify a negative drug test based on information that a physician recommended that the employee use “medical marijuana.” Please note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under Part 40 regulations to use or test positive.

## **10. Contact Person**

For questions about CHATHAM AREA TRANSIT’s anti-drug and alcohol misuse program, contact:

Designated Employer Representative (Interim DER- Laura Brooks)  
Human Resources Manager  
Chatham Area Transit-CAT  
**912-629-3904-Office**

Drug and Alcohol Program Manager (Dr. Emmanuel Twumasi)  
Chief Operating Officer  
Chatham Area Transit  
**912-629-3936-Office**

If applicable, this form must be completed, signed, and submitted to the Chief Operation Officer.

CHATHAM AREA TRANSIT

MEDICATION NOTIFICATION FORM

I, \_\_\_\_\_, hereby notify CHATHAM AREA TRANSIT that I am using a medication that may affect my ability to safely perform job-related functions.

Employee

Name: (Print or Type) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

11. Governing Board Resolution Adopting Agency’s Substance Abuse Testing Policy

WHEREAS, the Board of Directors of CHATHAM AREA TRANSIT is dedicated to providing safe and dependable passenger transportation services; and

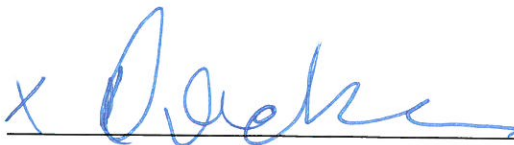
WHEREAS, it is our policy to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner and that our work environment is free of the adverse effects of drug abuse and alcohol misuse; and

WHEREAS, it is also our policy that the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance is prohibited and that we encourage our employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affects their ability to perform their assigned duties; and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration has mandated a compliant Drug and Alcohol Testing Program regulated under 49 CFR Part 655, as amended, and 49 CFR Part 40, as amended, for safety-sensitive employees of public transportation agencies as a condition of federal funding; and

WHEREAS, the attached Drug and Alcohol Testing Program Policy meets the requirements of the FTA regulations;

THEREFORE, IT IS RESOLVED that the Board of Directors of CHATHAM AREA TRANSIT hereby adopts the attached Testing Program Policy, revised on January 24, 2023, in compliance with FTA regulations. Adopted this 24th day of January 24, 2023

  
\_\_\_\_\_

Chair

CHATHAM AREA TRANSIT Board of  
Directors

## Attachment A: Covered Positions

### Fixed-Route

- Assistant COO Fixed-Route Operations
- Fixed-Route Bus Operator (Full-time)
- Fixed-Route Bus Operator (Part-time)
- Fixed-Route Dispatcher
- Fixed-Route Supervisor

### Safety

- Safety Management Systems – Training Officer

### Training

- Training Manager
- Training Coordinator
- Trainer

### Paratransit

- Assistant COO Paratransit Operations
- Paratransit Bus/Van Operator (Full-time)
- Paratransit Bus/Van Operator (Part-time)
- Paratransit Dispatcher
- Paratransit Supervisor
- Paratransit Scheduler
- Paratransit Scheduling Coordinator
- Paratransit Operations Coordinator

### Maintenance

- Assistant COO Asset Management & Maintenance Technician
- Assistant Maintenance Manager
- Hostler
- Utility Cleaner
- Maintenance Supervisor

### Marine Services – Water Ferry

- Marine Services Manager
- Mechanic
- Captain
- Deckhand

\*Supervisors are only considered covered by this policy if they also perform or are likely to perform safety-sensitive functions identified under “3. Covered Employees.”

## 12. Attachment B: Substance Abuse Professional Referral Source Information

### Referral Source Information

<b>Organization Name: Chatham Area Transit</b>	
<b>Designated Employer Rep. (DER): Human Resources Manager</b>	<b>Phone: 912-629-3904</b>
<b>Third-Party Administrator (TPA): STERLING</b>	<b>Phone: 800-899-2272</b>
<b>Medical Review Officer (MRO): NOVA</b>	<b>Phone: 912-231-7900</b>

Date:

Employee Referred:

You have been denied safety-sensitive employment or removed from safety-sensitive duty due to a drug and alcohol testing violation. As a result, you directly violate the U.S. Department of Transportation (DOT) 49 CFR Part 40 Section 40.23. **This violation has officially disqualified you from performing safety-sensitive duties.**

Any employer required to comply with Department of Transportation (DOT) regulations must provide an employee who violates a DOT drug and alcohol regulation, including an employee who registers a verified positive or refusal to test for a drug and/or alcohol test, with a listing of qualified Substance Abuse Professionals (SAPs), regardless of whether or not the employee is terminated or denied employment by his/her employer. This responsibility may be deferred to a Service Agent. See 49 CFR Part 40, Sub. O, Sec. 40.287.

**American Substance Abuse Professionals, Inc. (ASAP)**, our dedicated SAP Service Agent, is a nationwide provider of Substance Abuse Professional (SAP)

services and will provide you with a list of names, addresses, and phone numbers of local, qualified Substance Abuse Professionals. Call **866-566-7692**

**REFERENCE CODE 208** to speak with an **ASAP** representative.

## ZERO TOLERANCE DRUG AND ALCOHOL POLICY FOR EMPLOYEES

### Summary:

This is a zero-tolerance drug and alcohol policy covering CAT Transit System and is applicable to ALL Chatham Area Transit employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to safety to a safety-sensitive position, and to contractors who perform safety-sensitive job functions.