



ADMINISTRATIVE AND FINANCE COMMITTEE

THURSDAY, JUNE 13, 2019– 8:00 A.M.

OMNITRANS METRO FACILITY

1700 WEST 5TH STREET

SAN BERNARDINO, CA 92411

The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or Limited English Proficiency services are needed in order to participate in the public meeting, requests should be made through the Recording Secretary at least three (3) business days prior to the Committee Meeting. The Recording Secretary's telephone number is 909-379-7110 (voice) or 909-384-9351 (TTY), located at 1700 West Fifth Street, San Bernardino, California. If you have comments about items on the agenda or other general concerns and are not able to attend the meeting, please mail them to Omnitrans at 1700 West Fifth Street, San Bernardino, California, Attention Board Secretary. Comments may also be submitted by email to BoardSecretary@omnitrans.org.

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. ANNOUNCEMENTS/PRESENTATIONS

1. Next Committee Meeting: Thursday, August 15, 2019, 8:00 a.m.
Omnitrans Metro Facility Board Room

C. COMMUNICATIONS FROM THE PUBLIC

This is the time and place for the general public to address the Board for items that are not on the agenda. In accordance with rules applicable to meetings of the Administrative & Finance Committee, comments on items not on the agenda and on items on the agenda are to be limited to a total of three (3) minutes per individual.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

Disclosure – Note agenda items contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation in the appropriate item.

E. DISCUSSION ITEMS

1. Approve Administrative & Finance Committee Minutes – May 9, 2019 4
2. Recommend the Board of Directors Approve the Re-Organization of the Human Resources Department, Reclassification of Human Resources Analyst and Update to Policy 402–
Suzanne Pfeiffer 7
3. Recommend the Board of Directors Approve Update to Policy 701 Drug and Alcohol Policy– *Suzanne Pfeiffer* 13
4. Recommend the Board of Directors Authorize the CEO/General Manager to Enter into a Cooperative Agreement with the City of Ontario – Transformative Climate Communities Grant – *Anna Jaiswal* 87
5. Recommend the Board of Directors Authorize the CEO/General Manager to Award Contract – IFB-MNT19-71 Labor and Parts for Engine and Transmission Replacement – *Eugenia Pinheiro* 89

F. ADJOURNMENT

ITEM # _____ D1 _____

DATE: June 13, 2019

TO: Committee Chair Sam Spagnolo and
Members of the Administrative and Finance Committee

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: DISCLOSURE(S) REGARDING RECOMMENDATIONS FOR
ACTION BY THE OMNITRANS BOARD OF DIRECTORS**

FORM MOTION

Staff hereby provides a listing of principals and subcontractors associated with action items on the agenda for the Administrative & Finance Committee Meeting scheduled June 13, 2019.

Item	Contract	Principals & Agents	Subcontractors
#E5	Authorize Award Contract MNT19-71 Labor and Parts for Engine and Transmission Replacements	<i>Complete Coach Works Murrieta, CA Dale E. Carson President</i>	<i>N/A</i>

PSG:EFP

CONFLICT OF INTEREST FORM

PURPOSE: This form is provided to assist members of the Omnitrans Board of Directors in meeting requirements of Government Code Section 84308 and 87100 in documenting conflict of interest as related to Omnitrans Board/Committee agenda items.

INSTRUCTIONS: Under certain circumstances, Omnitrans Board Members may be required to disclose and disqualify themselves from participating in, influencing, or voting on an agenda item due to personal income, real property interests, investments, business positions, or receipt of campaign contributions. If applicable, Board Members must personally state the following information, for entry into the public record, prior to consideration of the involved agenda item(s) and turn in the completing form to the Recording Secretary prior to leaving the meeting.

BOARD MEMBER INFORMATION

BOARD MEMBER NAME	CITY/COUNTY NAME	MEETING DATE

CAMPAIGN CONTRIBUTIONS

1. I have a disqualifying campaign contribution of over \$250 from _____
(Name of Company and/or Individual)
and therefore I am abstaining from participation on Agenda Item _____, Subject: _____
2. I have a disqualifying campaign contribution of over \$250 from _____
(Name of Company and/or Individual)
and therefore I am abstaining from participation on Agenda Item _____, Subject: _____
3. I have a disqualifying campaign contribution of over \$250 from _____
(Name of Company and/or Individual)
and therefore I am abstaining from participation on Agenda Item _____, Subject: _____

FINANCIAL INTEREST

1. I have a financial interest of _____
State income, real property interest or business position

Identify company or property location
2. I have a financial interest of _____
State income, real property interest or business position

SIGNATURE

Board Member Signature	Date
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ITEM # E1

**ADMINISTRATIVE & FINANCE COMMITTEE
MINUTES, MAY 9, 2019**

A. CALL TO ORDER

Committee Chair Sam Spagnolo called the regular meeting of the Administrative and Finance Committee to order at 8:00 a.m., Thursday, May 9, 2019.

1. Pledge of Allegiance
2. Roll Call

Committee Members Present

Council Member Sam Spagnolo, City of Rancho Cucamonga – Committee Chair
Mayor Pro Tem David Avila, City of Yucaipa
Council Member Ron Dailey, City of Loma Linda
Council Member Alan Wapner, City of Ontario
Supervisor Curt Hagman, County of San Bernardino

Committee Members Not Present

Council Member John Roberts, City of Fontana

Omnitrans Administrative Staff Present

Erin Rogers, Deputy General Manager
Trischelle Baysden, Director of Rail
Shawn Brophy, Director of Operations
Jeremiah Bryant, Director of Strategic Development
Jacob Harms, Director of Information Technology
Suzanne Pfeiffer, Director of Human Resources
Connie Raya, Director of Maintenance
Doug Stanley, Director Special Transportation Services
Omar Bryant, Maintenance Manager
Adrienne Fernandez, Executive Staff Assistant
Maurice Mansion, Treasury Manager
Harry Morck, Network Administrator
Eugenia Pinheiro, Contracts Manager
Krystal Turner, Contracts Administrator
Christine Van Matre, Contracts Administrator

B. ANNOUNCEMENTS/PRESENTATIONS

The next Committee Meeting is scheduled Thursday, June 13, 2019, at 8:00 a.m.

C. COMMUNICATIONS FROM THE PUBLIC

There were no communications from the public.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

There were no Conflict of Interest Issues.

E. DISCUSSION ITEMS

1. Approve Administrative & Finance Committee Minutes April 11, 2019

M/S (Dailey/Avila) that approved the Committee Minutes of April 11, 2019. Motion was passed unanimously by Members present.

Supervisor Hagman arrived at 8:02 a.m. after the vote on Item #E1.

2. Receive and Forward to the Board of Directors the Management Plan Strategic Initiatives and Key Performance Indicators, Fiscal Year 2019 Third Quarter Reports

Deputy General Manager, Erin Rogers, reviewed the Strategic Initiatives and Key Performance Indicators FY19 Third Quarter Reports.

A discussion ensued regarding Initiative #4, Financial Sustainability & Operational Cost Efficiencies, Strategic Action 2, Develop a strategy and identify partners to begin implementation of solar energy and stored energy solutions.

Supervisor Hagman had some questions regarding the procurement process related to the project and asked if Southern California Edison (SCE) would be the contractor. Ms. Rogers provided additional information regarding SCE's role in the project and noted that STV, the Agency's Architectural & Engineering firm would be involved with the design portion. She stated that the Committee would be kept abreast on the developments in future reports.

Member Dailey referred to Initiative #5, Workforce Stability, Strategic Action 3, Evaluate operational processes that impact Coach Operator overtime and improve personnel utilization, and acknowledged staff's effort noting the 50% reduction in Coach Operator overtime.

Member Hagman referred to the Key Performance Indicators, Section 2, Service Performance and expressed some concern regarding the declining ridership. He stressed the importance of being proactive in gathering data, noting that data from the customers is especially valuable.

A brief discussion ensued regarding the impact of gas prices and the economy on the decline in ridership.

Member Dailey agreed with Member Hagman regarding the importance of collecting data to better assist with forecasting and service planning efforts.

The Committee received and forwarded item to the Board of Directors.

3. Recommend to the Board of Directors Approve the New Position of Rail Operations Analyst and Update to Policy 402.

Director of Human Resources, Suzanne Pfeiffer, presented a brief background on this item as detailed in the staff report.

M/S (Hagman/Dailey) recommended the Board of Directors Approve the New Position of Rail Operations Analyst and Update to Policy 402. Motion was passed unanimously by Members present.

4. Recommend the Board of Directors Authorize the CEO/General Manager to Award Contract MKP19-64, Architectural and Engineering Services, Bus Stop Improvements.

Contracts Manager, Eugenia Pinheiro, presented a brief background on this item as detailed in the staff report.

Member Dailey expressed some concern with the two-year time frame to complete the improvements. Ms. Pinheiro responded that the project was expected to be completed sooner, however, additional time was allotted in case of any extenuating circumstances.

Member Spagnolo was pleased to see this contract awarded to a business located in the City of San Bernardino.

M/S (Hagman/Dailey) that recommended the Board of Directors authorize the CEO/General Manager to award Contract MKP19-64 to Hernandez, Kroone & Associates of San Bernardino, CA, for the provision of Architectural and Engineering (A&E) Services– Bus Stop Improvements beginning May 13, 2019 and ending no later than May 12, 2021 in the amount of \$161,902, an allowance in the amount of \$30,000, plus a ten percent contingency of \$19,190, for a total not-to-exceed amount of \$211,092.. Motion was passed unanimously by Members present.

F. ADJOURNMENT

The Administrative and Finance Committee meeting adjourned at 8:35 a.m.

The next Administrative and Finance Committee Meeting is scheduled Thursday, June 13, 2019, at 8:00 a.m., with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Prepared by:

Araceli Barajas, Sr. Executive Asst. to the CEO
Clerk of the Board

ITEM # E2

DATE: June 13, 2019

TO: Committee Chair Sam Spagnolo and
Members of the Administrative and Finance Committee

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Suzanne Pfeiffer, Director of Human Resources

SUBJECT: **RE-ORGANIZATION OF HUMAN RESOURCES DEPARTMENT
AND RE-CLASSIFICATION OF THE HUMAN RESOURCES
ANALYST, UPDATE POLICY 402**

FORM MOTION

Recommend the Board of Directors approve the re-organization of the Human Resources Department, re-classification of the Human Resources Analyst, and updated Policy 402.

BACKGROUND

Over the last year, the Director of Human Resources has reviewed the duties, classifications, salary ranges, and reporting structure of the Human Resources Department. Based on this internal review, along with an external review of similar sized transit and government agencies, changes are being recommended. While it would not typically be a Board action item to change titles and reporting structure, a recommendation to re-classify one employee from an Analyst to a Senior Analyst is recommended.

The incumbent has been supervising two employees and performing additional duties since January 2019. Based on the level of accountability and responsibility the position of Human Resources Analyst should be a Level V and is currently a Level VI.

FUNDING SOURCE

This position is funded through current budget.

Department: Human Resources
Account: Various Wages and Benefits

_____ Verification of Funding Source and Availability of Funds
(Verified and initialed by Finance)

CONCLUSION

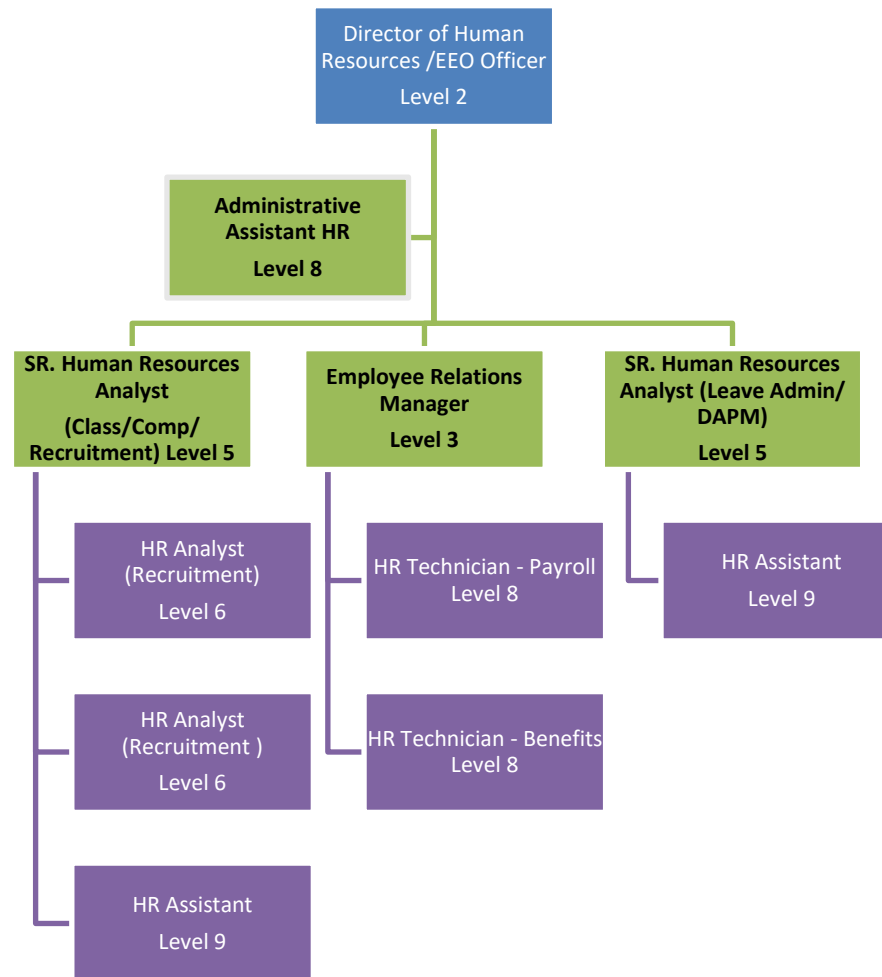
Recommend the Board of Directors approve the re-organization of the Human Resources Department, re-classification of the Human Resources Analyst, and updated Policy 402.


Approval of this agenda item supports the Fiscal Year 2019 Management Plan, Workforce Stability.

PSG: SP

OMNITRANS HUMAN RESOURCES ORGANIZATIONAL CHART

July 2019



 PERSONNEL POLICY MANUAL	POLICY 402 PAGE 1 OF 3
SUBJECT Salary Ranges Management Confidential Classifications	APPROVED BY OMNITRANS BOARD OF DIRECTORS DATE: June 5, 2019 July 3, 2019

I. Purpose

To state Omnitrans' policy on salary ranges for Management and Confidential classifications.

II. Scope

All Departments

III. Procedure

- A. The Director of Human Resources is responsible for compensation administration and will modify and issue, from time to time, pay ranges and guidelines for salary adjustments as approved by the Board of Directors.

Job Level	Job Title	FLSA	Salary Breakdown	Pay Range		
				Minimum	Mid-Point	Maximum
1	(reserved for future consideration)					
2	Director of Finance Director of Human Resources Director of Information Technology Director of Maintenance Director of Marketing & Planning Director of Operations Director of Procurement Director of Rail Operations Director of Safety & Regulatory Compliance Director of Special Transportation Services (STS) Director of Strategic Development	Exempt	Bi-weekly Monthly Annual	\$ 3,952.15 \$ 8,563.00 \$102,756.00	\$ 4,907.08 \$ 10,632.00 \$127,584.00	\$ 5,862.46 \$ 12,702.00 \$152,424.00
3	Accounting Manager Contracts Manager Database Manager Development Planning Manager Employee Relations Manager Facility Manager Maintenance Manager Safety & Regulatory Compliance Manager Service Planning Manager Transportation Manager Treasury Manager Rail Compliance Officer	Exempt	Bi-weekly Monthly Annual	\$ 3,228.46 \$ 6,995.00 \$ 83,940.00	\$ 3,999.69 \$ 8,666.00 \$ 103,992.00	\$ 4,771.38 \$ 10,338.00 \$ 124,056.00
4	Capital Projects Services Manager Materials Manager Network Administrator Senior Contract Administrator Special Transportation Services Manager System Coordinator Technical Services Manager	Exempt	Bi-weekly Monthly Annual	\$ 2,968.62 \$ 6,432.00 \$ 77,184.00	\$ 3,498.46 \$ 7,580.00 \$ 90,960.00	\$ 4,028.77 \$ 8,729.00 \$ 104,748.00



PERSONNEL POLICY MANUAL

POLICY 402 PAGE 2 OF 3

SUBJECT

Salary Ranges Management Confidential Classifications

APPROVED BY OMNITRANS
BOARD OF DIRECTORS

DATE: June 5, 2019 July 3, 2019

Job Level	Job Title	FLSA	Salary Breakdown	Pay Range		
				Minimum	Mid-Point	Maximum
5	Application Developer	Exempt	Bi-weekly	\$ 2,575.85	\$ 3,110.77	\$ 3,583.85
	Application Specialist		Monthly	\$ 5,581.00	\$ 6,740.00	\$ 7,765.00
	Assistant Transportation Manager		Annual	\$ 66,972.00	\$ 80,880.00	\$ 93,180.00
	Business Intelligence Analyst					
	Contract Administrator					
	Customer Service Manager					
	Dispatch Supervisor					
	Environmental/Occupational Health & Safety Specialist					
	Facility Supervisor					
	Fleet Safety & Training Supervisor					
	HR Leave Administrator-Sr. Human Resources Analyst (title change only - 2 FTE: 1 HR Analyst; 1 HR Leave Administrator)					
	Security & Emergency Preparedness Coordinator					
	Maintenance Supervisor-STS					
	Marketing Manager					
	Network Engineer					
	Programs Administrator-STS					
	Purchased Transportation Administrator					
	Safety & Regulatory Compliance Specialist					
	Sr. Executive Assistant to the CEO/GM Clerk of the Board (title change only)					
	Senior Financial Analyst					
	Shift Supervisor					
	Systems Engineer					
	Systems Specialist					
	Web Designer					
6	Accountant	Exempt	Bi-weekly	\$ 2,268.92	\$ 2,718.46	\$ 3,168.46
	Executive Staff Assistant		Monthly	\$ 4,916.00	\$ 5,890.00	\$ 6,865.00
	Field Supervisor		Annual	\$ 58,992.00	\$ 70,680.00	\$ 82,380.00
	Fleet Safety & Training Instructor					
	Human Resources Analyst					
	Human Resources Specialist (title change to Human Resources Analyst)					
	Scheduling Analyst					
	Sales Supervisor					
	Stops and Stations Supervisor					
	Transit Technical Trainer					

**OmniTrans****PERSONNEL POLICY MANUAL**POLICY **402** PAGE **3** OF **3****SUBJECT****Salary Ranges
Management Confidential Classifications****APPROVED BY OMNITRANS
BOARD OF DIRECTORS****DATE:** June 5, 2019 July 3, 2019

7	Dispatcher	Non-Exempt	Hourly	\$ 25.89	\$ 31.03	\$ 36.16
	Department Senior Secretary		Bi-weekly	\$ 2,070.92	\$ 2,482.15	\$ 2,892.92
			Monthly	\$ 4,487.00	\$ 5,378.00	\$ 6,268.00
	Contract Review Analyst	Exempt	Annual	\$ 53,844.00	\$ 64,536.00	\$ 75,216.00
	Marketing Specialist Planner I Rail Operations Analyst Senior Fleet Analyst					

Job Level	Job Title	FLSA	Salary Breakdown	Pay Range		
				Minimum	Mid-Point	Maximum
8	Administrative Secretary	Non-Exempt	Hourly	\$ 22.58	\$ 26.30	\$ 30.02
	Client Relations Coordinator-STS		Bi-weekly	\$ 1,806.46	\$ 2,104.15	\$ 2,401.85
	Fleet Analyst		Monthly	\$ 3,914.00	\$ 4,559.00	\$ 5,204.00
	Human Resources Assistant		Annual	\$ 46,968.00	\$ 54,708.00	\$ 62,448.00
	Technician (title change only) Paratransit Eligibility Technician Payroll Technician Travel Trainer-STS Warranty Coordinator					
9	Human Resources Clerk	Non-Exempt	Hourly	\$ 18.60	\$ 21.73	\$ 24.85
	Assistant (title change only)		Bi-weekly	\$ 1,488.00	\$ 1,738.62	\$ 1,988.31
	Administrative Assistant-STS		Monthly	\$ 3,224.00	\$ 3,767.00	\$ 4,308.00
	Class B Technician-STS		Annual	\$ 38,688.00	\$ 45,204.00	\$ 51,696.00

Range changes occur every two years.

Performance merit increases for employees who reach the maximum of their pay range will be treated as follows:

- The employee's base pay will be brought to the maximum of their pay range;
- Any amount in excess pay, over the maximum pay range, will not be included in the employee's base pay;
- The excess amount of the merit award will be paid in a one-time lump sum.

The CEO/GM has the authority for a special merit award up to 3% of an employee's salary for work outside routine responsibilities.

ITEM # _____ E3 _____

DATE: June 13, 2019

TO: Committee Chair Sam Spagnolo and
Members of the Administrative and Finance Committee

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Suzanne Pfeiffer
Director of Human Resources

**SUBJECT: POLICY 701 SUBSTANCE ABUSE (ALCOHOL, DRUGS AND
NARCOTICS) UPDATES**

FORM MOTION

Recommend the Board of Directors approve Policy 701 updates.

BACKGROUND

The Department of Transportation (DOT) requires that all agencies receiving federal funding establish a program to prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions. Further, as an agency receiving federal funding we are required to comply with the Drug – Free Workplace Act of 1988. Policy 701 addresses both of these requirements.

In summary, the updated policy includes the following:

- Language to comply with FTA requirements regarding the types of drugs that are tested and expand *opiates* to *opioids* to include both natural and synthetic (and semi-synthetic) forms of the drug.
- Elimination of the requirement for employees to self-identify prescription and over the counter medications to the Agency putting the responsibility into the hands of the employee's treating physician to determine the impacts on performance of duties.
- Elimination of an Agency requirement to drug test based on estimated accident damages exceeding \$5,000. This Agency imposed limitation causes unnecessary drug and alcohol testing because it does not take into account whether the employee's performance can be completely discounted as a contributing factor. Language regarding this is included in the post-accident section of the policy.

- Deleting several appendices. Many of the appendices are not required by the DOT and are administrative in nature. While we still provide this information to employees in other forms, deleting these will allow for updates to be made without coming to the Board for approval.
- Update contact information.

FUNDING SOURCE

N/A

CONCLUSION

Recommend the Board of Directors approve Policy 701 updates.

PSG: SP

Attachments: A. Policy 701 – Redline
B. Policy 701 – Clean



PERSONNEL POLICY MANUAL

POLICY 701 PAGE 1 OF 28

SUBJECT

**Substance Abuse
(Alcohol, Drugs & Narcotics)
Drug and Alcohol Policy**

APPROVED BY OMNITRANS
BOARD OF DIRECTORSDATE: ~~September 4, 2013~~ July 10, 2019I. Purpose

The purpose of this policy is to establish a program to comply with the requirements of 49 CFR Parts 40 and 655, as amended, and is designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions.

Omnitrans is dedicated to providing safe, dependable and economical transportation services to our transit system passengers. The Federal Transit Administration (FTA) has specifically noted the use of alcohol and ~~illegal-prohibited~~ drugs have been demonstrated to significantly affect the performance of individuals in the mass transportation industry. Omnitrans employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse ~~affects- effects~~ of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance ~~anytime for~~ personal problems, including alcohol or drug dependency, ~~that may~~ adversely affect their ability to perform their assigned duties.

The purpose of this policy is to ~~assure- ensure~~ worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. ~~The Agency has developed and implemented a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol and illegal prohibited drugs by employees who perform safety sensitive functions. While it is difficult to estimate the precise cost to society from alcohol misuse, there is no doubt that the cost is enormous.~~ The potential side effects of alcohol misuse are substantial in absenteeism, increased health care costs, etc. This program will also help discourage substance abuse, and ~~operate serve~~ as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently use drugs. Finally, ~~we believe~~ this program ~~will enhance~~s the safety of our employees and the ~~users of mass transportation public~~ by fostering the early identification and referral for treatment of workers with alcohol or drug abuse problems.

This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U. S. Department of Transportation has published 49



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POLICY 701 PAGE 2 OF 28

SUBJECT

**Substance Abuse
(Alcohol, Drugs & Narcotics)
Drug and Alcohol Policy**

APPROVED BY OMNITRANS
BOARD OF DIRECTORS

DATE: ~~September 4, 2013~~ July 10, 2019

CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive functions and prevents performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) has also enacted 49 CFR part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 32, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

All provisions set forth in **bold face print** are ~~included~~ consistent with requirements set forth in 49 CFR Part 40 and Part 655, as amended. All other provisions are set forth under the authority of the Agency.

II. Scope

This policy applies to all safety-sensitive and non-safety-sensitive Agency applicants, transferees, employees, ~~paid part-time employees~~, contracted employees, and contractors when they are on transit property or **when performing any transit related safety-sensitive or non-safety-sensitive business**. Visitors, vendors, and contractor employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

A. For purposes of this policy "safety-sensitive function" includes:

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

An individual will be considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ~~ready to perform or immediately available to perform such functions~~. ~~Supervisors who may also perform safety-sensitive functions will be considered covered employees by this policy.~~



PERSONNEL POLICY MANUAL

POLICY 701 PAGE 3 OF 28

SUBJECT

**Substance Abuse
(Alcohol, Drugs & Narcotics)
Drug and Alcohol Policy**

APPROVED BY OMNITRANS
BOARD OF DIRECTORS

DATE: ~~September 4, 2013~~ July 10, 2019

Appendix A lists Safety-Sensitive job ~~titles-classifications~~ at Omnitrans.

B. Contractors

This policy also applies to recipients of FTA assistance as defined in 49 CFR Part 655, as well **as** other entities that provide mass transportation services or perform safety-sensitive functions for such recipients or entities, including subrecipients, operators and contractors. Contractors subject to the requirements of the regulations include persons or organizations that provide services for the Agency consistent with a specific understanding or arrangement that reflects an ongoing relationship between the parties. The Agency will ensure that any contractors who perform safety-sensitive functions within the scope of this policy and the regulations certify their compliance with the requirements of 49 CFR Part 655.

III. Procedure

A. Prohibited Substances

1. Alcohol

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

2. Illegally Used Controlled Substances or Drugs

Although this policy prohibits the use of any controlled substances not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine to test for the presence of marijuana, cocaine, ~~opiates, opioids~~, amphetamines and phencyclidine. ~~The use of these five drugs is always illegal~~ Consumption of these products is prohibited at all times. Therefore, safety-sensitive employees may be tested at any time while on duty.

~~Appendix B indicates cut off levels for the initial and confirmatory tests.~~

3. Prescription ~~Medications & Non-Prescription (Over-the-Counter Drug Use)~~



PERSONNEL POLICY MANUAL

POLICY 701 PAGE 4 OF 28

SUBJECT

Substance Abuse (Alcohol, Drugs & Narcotics) Drug and Alcohol Policy

APPROVED BY OMNITRANS
BOARD OF DIRECTORS

DATE: September 4, 2013 July 10, 2019

~~While the use of legally prescribed drugs and non-prescription medications is are not prohibited, employees must understand they have a responsibility to notify their supervisor if they are taking any medication which indicates that mental functioning, motor skills, or judgment may be adversely affected.~~

~~A legally prescribed drug is one written for you by a licensed physician and it includes the patient's name, the name of the medication, quantity/amount to be taken, and the period of authorization. The safety-sensitive employee is required to complete and have their physician complete the Safety-Sensitive Employee Prescription Drug Use Form (Appendix K). If the employee is taking any non-prescribed over the counter medications, the employee must also notify their supervisor by completing the Safety-Sensitive Employee Non-Prescription Form (Over the Counter Medications Only) (Appendix L).~~

~~The misuse or abuse of legal drugs while performing transit business is prohibited and subject to disciplinary action, up to and including termination of employment.~~ **An individual will be allowed to list on the back of the donor copy of the Urine Custody and Control Form, any prescribed medication that he/she may be taking or may have recently taken.**

B. Conditions of Employment

Participation in Omnitrans drug and alcohol testing program is a requirement of each safety-sensitive and non-safety sensitive employee and, therefore is a condition of employment. Covered employees are also prohibited from refusing to submit to a required substance abuse test as outlined by this policy.

1. Prohibited Conduct

a. Manufacture, Trafficking, Possession, and Use.

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on Omnitrans premises, **in transit vehicles**, in uniform, or while on Omnitrans business will be subject to termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

b. Impairment

Any **safety-sensitive** or non-safety sensitive employee who is reasonably suspected of being impaired by a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be impaired by prohibited substances or **who fail to pass a drug or alcohol test shall be removed**



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POLICY 701 PAGE 5 OF 28

SUBJECT

**Substance Abuse
(Alcohol, Drugs & Narcotics)
Drug and Alcohol Policy**

APPROVED BY OMNITRANS
BOARD OF DIRECTORS

DATE: ~~September 4, 2013~~ July 10, 2019

from duty and subject to termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

c. Alcohol Use

Agency and the Federal Transit Administration Regulations prohibit the following conduct as it relates to alcohol use:

- 1) No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.04 or greater.
- 2) No employee shall have used alcohol within four hours of reporting for duty.
- 3) No employee shall use alcohol while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function.
- 4) No employees shall use alcohol during the hours they are on call.
- 5) No safety-sensitive employee shall use alcohol for eight hours following an accident, unless the employee has first undergone a post-accident alcohol test.

Violation of these provisions is prohibited, and will make the employee subject to disciplinary action up to and including termination.

2. Notifying the Transit System of Criminal, Alcohol and/or Drug Conviction

Any employee who fails to notify Omnitrans in writing within five (5) days of any criminal, alcohol and/or drug statute conviction shall be subject to disciplinary action up to and including termination. Omnitrans will then report the conviction as stated above to the FTA Regional Counsel within ten (10) calendar days.

3. Compliance with Testing Requirements

All safety-sensitive and non-safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately, and be subject to dismissal proceedings. Refusal can include an inability to provide a urine specimen or breath sample without a



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valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

4. Self Identification and Rehabilitation

It is Omnitrans policy to encourage employees to identify and detect their alcohol and substance abuse problems, and to enter a rehabilitation program. Accordingly, the Agency will allow employees, with a minimum of one year's service, one opportunity to enter a rehabilitation program if they identify themselves before Agency detection of the problem, or the occurrence of a situation that may result in a requirement to undergo urine and breath testing.

5. Proper Application of the Policy

Omnitrans is dedicated to ~~assuring-ensuring~~ fair and equitable application of this ~~substance-abuse~~ policy. Therefore, all supervisory employees are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisory employee who knowingly disregards the requirements of this policy, or who is found to deliberately misuse, or neglect to enforce the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination.

C. TESTING CIRCUMSTANCES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. **All safety-sensitive and non-safety-sensitive employees shall be subject to testing prior to employment (post offer) or transfer to safety-sensitive positions, for reasonable suspicions/probable cause, fit for duty medical examination (post 90 day return from leave), and following an accident. Those employees who perform the safety-sensitive job listed in Appendix A to this policy shall also be subject to testing on a random, unannounced basis.**

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

1. Pre-employment Testing

All safety-sensitive and non-safety-sensitive position applicants shall undergo urine drug testing prior to (post offer) employment. Receipt by Omnitrans of negative test result is required prior to beginning safety-



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sensitive duties. All employees being transferred from a non-safety-sensitive function to a safety-sensitive function will also be required to have a negative pre-employment drug test result prior to beginning any safety-sensitive function. The test must be performed within 90 days of beginning any safety-sensitive duties. If a test is cancelled for any reason, the employee or applicant must retake and have a negative result prior to being hired or beginning any safety-sensitive function. Failure of a drug test will disqualify an applicant for employment for a period of two (2) years.

Omnitrans will obtain written consent from applicants to request information from previous DOT regulated employers that had employed the individual within the previous two years. If the applicant does not provide consent, he/she may not perform any safety-sensitive functions.

Pursuant to Section 655.41(a)(2), all applicants and/or employees of safety-sensitive positions will be asked during the oral interview portion of the selection process if they have ever failed or refused a DOT pre-employment drug test including requiring evidence that the applicant and/or employee has successfully completed a referral, evaluation and treatment plan.

An employee who has not performed a safety-sensitive duty for 90 consecutive days or more and has not been in the random selection pool shall take a pre-employment physical examination that includes a DOT drug test with a verified negative result before returning to safety-sensitive duties.

2. Reasonable Suspicion Testing

All safety-sensitive and non-safety-sensitive employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance including, but not limited to, any employee suspected of possessing, using or being impaired by alcohol or an illegal drug, a legal drug if such use would violate this Policy or pose a safety threat, while on duty and/or in Agency uniform.

A reasonable suspicion referral for testing must be based upon specific, contemporaneous, articulate observations concerning appearance, behavior, speech, or body odors of the covered safety-sensitive and non



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safety-sensitive employee consistent with possible drug use or alcohol misuse. These observations will only be made by one supervisor who has received appropriate training in detecting the signs and symptoms of drug and alcohol use and will be documented by that individual on a "Reasonable Suspicion – Individual Test Summary" ~~(Appendix J)~~. A reasonable suspicion alcohol test will only be required if the reasonable suspicion observations are made just before, during or **just** after the period of the work day that the covered employee is required to be in compliance with this policy.

If the reasonable suspicion alcohol test is not administered within two (2) hours following the reasonable suspicion determination, the Agency will document the reasons why the test was not promptly administered. If the test is not administered within eight (8) hours following the reasonable suspicion determination, the Agency will no longer attempt to administer an alcohol test and will document the reasons for its inability to do the test.

In any reasonable suspicion testing circumstance, an Agency representative will transport the individual to the collection facility and await the completion of the collection procedure. The Agency representative will then transport the individual back to the Agency's premises where a family member or designated individual will be contacted to transport the individual from the premises. In the event no such individual is available, the Agency will ~~contact a taxi to make arrangements to~~ transport the employee home. ~~The Any associated costs for post-testing transportation of the taxi~~ will be reimbursed to the individual if the reasonable suspicion test result is negative. If the individual refuses to comply with any of these procedures and attempts to operate his/her own vehicle, the Agency will take appropriate efforts to discourage him/her from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the above procedures will be subject to disciplinary action, up to and including termination.

Any safety-sensitive ~~or non-safety-sensitive~~ employee may not be assigned to a safety-sensitive function until a negative result has been received. An employee receiving a negative result shall be promptly returned to his/her former duties. While awaiting test result(s), employees will be put on paid administrative leave.

3. Post-Accident Testing



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a) **Safety-sensitive or non-safety sensitive employees will be required to undergo alcohol and drug testing if they are involved in an accident while operating an Omnitrans vehicle (regardless of whether or not the vehicle is in revenue service), if as a result of the accident:**

- 1) An individual dies;
- 2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
- 2)3) **There is any disabling damage to any vehicle involved in the accident, requiring the vehicle to be towed away from the scene**

With respect to an occurrence in which the mass transit vehicle involved a bus, electric bus, van or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damages which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage (even if no spare tire is available), headlamp or taillight damage, or damage to turn signals, horn or windshield wipers which makes them inoperative; ~~or The total damage caused by the accident is estimated to exceed \$5,000.00.~~

A post-accident test will be conducted on all surviving covered employees whose performance could have contributed to the accident, as determined by the Agency using the best information available at the time of the decision.

~~Post-accident testing is stayed while the employee assists in the resolution of the accident or receives medical attention following the accident.~~ In the event following an accident, an alcohol test is not administered within two (2) hours; the Agency will prepare and maintain record stating the reasons why the test was not promptly administered. The employee will be tested for alcohol within eight (8) hours of the accident, or the Agency will make no further effort to administer and will document the reasons why the test was not administered within eight (8) hours. In the event a drug test is not administered within 32 hours following an accident, the Agency will cease its attempts to administer further drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident



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without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but any other covered employee whose performance could have contributed to the accident.

- b) The Post-Accident Individual Test Summary form (~~Appendix I~~) shall be used by the supervisor to ensure that proper procedure is followed in post-accident drug and alcohol testing. This form will be identified with an identification number that corresponds with accident records. The form will be kept as part of the testing records.
 - c) Testing will not be required after non-fatal accidents if the Agency determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident and that the employee's performance could not have contributed to the accident.
4. Random Testing
- Any safety-sensitive employees subject to the Federal Transit Administration guidelines of this policy will be required to submit to random drug and alcohol testing. The Agency will conduct random drug and alcohol tests at no less than the minimum annual percentage rate as required by the FTA. ~~The current minimum annual percentage rates are located in Appendix C.~~

The random selection process is completely objective and anonymous and utilizes a scientifically valid method using a computer-based random number generator matched with a random number assigned to the employee's social security number. The tests will be unannounced and the dates for the tests will be reasonably spread throughout the course of the calendar year and occur throughout the work shift. All employees will have an equal chance of being tested each time selections are made, regardless of the number of his/her previous selections, if any.

Any covered employee notified of his/her selection for random testing will be required to proceed immediately to the test site. If a covered employee is performing a safety-sensitive function at the time of notification of the random test requirement, he/she will be required to cease performing the safety-sensitive function and proceed to the



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testing site as soon as possible. Covered employees will only be required to submit to a random alcohol test if they are performing a safety-sensitive function, about to perform a safety-sensitive function, or have just ceased performing a safety-sensitive function.

5. Refusal to Submit

Any covered employee who refuses to submit to an alcohol or drug test will be prohibited from performing or continuing to perform a safety-sensitive function and be subject to termination. "Refusal to submit" to an alcohol or drug test constitutes a positive result, a violation of this policy, and includes the following conduct:

- a. Failing to provide adequate breath for alcohol testing, without a valid medical explanation after an individual has received notice of a required breath test;
- b. Failing to provide an adequate urine sample for drug testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after an individual has received notice of a required urine test;
- c. Engaging in conduct that clearly obstructs the testing process, including the failure or refusal to sign any document or form required under this policy or by any party authorized to carry out testing under this policy;
- d. Failing to remain readily available for testing, including notifying the Agency of his/her location if he/she leaves the scene of the accident, when an individual is involved in an accident as defined in this policy; and
- e. Failure of the employee to report to the collection/testing site in a timely manner, as defined by Omnitrans, once notification is given without a reasonable excuse for a required test (except for a pre-employment test).
- f. Leaving a collection facility prior to a test completion (except in a pre-employment test where leaving before the test begins is not considered a test refusal).
- g. Failure to permit an observed or monitored collection when required.



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- h. Failure to take a second test when required (i.e. a cancelled test).
- i. Failure to undergo a medical exam when required.
- j. For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants and turn around.
- k. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- l. Admitting to the adulteration or substitution of a specimen to the collector or MRO.
- m. MRO's verification of a test as adulterated or substituted constitutes a refusal.

D. ALCOHOL TESTING METHODOLOGIES

1. Alcohol Testing Personnel

a) Breath Alcohol Technician

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

b) Screening Test Technician (STT)

Anyone qualified to act as a Breath Alcohol Technician may act as a Screening Test Technician (STT), provided that he/she has demonstrated proficiency in the operation of the non-evidential screening device to be used by that individual. Any other individual may act as an STT as long as he or she successfully completes the Department of Transportation model course, or a course of instruction determined by the Department of Transportation's Office of Drug and Alcohol Policy Compliance to be equivalent to it.



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2. Alcohol Testing Device

- a) **Evidential Breath Testing Device** for the evidential testing of alcohol is listed in the "Conforming Products List (CPL) of Evidential Breath Measurement Devices." For confirmatory breath tests, the Agency will use an EBT that is capable of providing a printed result of each breath test in triplicate (or three consecutive identical copies). This device will be capable of assigning a unique and sequential number to each completed test. The EBT will also be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level and be capable of testing an air blank prior to each collection of breath and performing an external calibration check.
- b) In order to be used for any alcohol testing under this policy, the EBT ~~and~~ must have a quality assurance plan (QAP) developed by the manufacturer and approved by National Highway Traffic Safety Administration (NHTSA). The Agency or its designated agent will ensure compliance with the QAP for each EBT it uses for alcohol testing under this policy.

3. Alcohol Testing Site

- a) **The Agency will use an alcohol testing site that affords visual and aural privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing test results. The alcohol testing site will be secure, and no unauthorized persons will be permitted access to it at any time when testing is being conducted or when the EBT remains unsecured. Alcohol testing will take place at locations designated by the Agency.**
- b) In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) a test may be conducted at a place other than a designated testing facility, but the Agency or the BAT will ensure that visual and aural privacy will be provided to the greatest extent practicable.

4. The Breath Alcohol Testing Form

- a) **The Agency will use a Breath Alcohol Testing Form prescribed by the Department of Transportation for EBT alcohol screening devices.**

E. ALCOHOL TESTING PROCEDURES



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1. Screening and Confirmation Testing

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

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

2. Inability to Provide a Sample

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



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3. Invalid Alcohol Test Results

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

4. Refusal to Test

For purposes of alcohol testing, the following are considered refusals to test:

- a) The employee refuses to sign Step 2 of the Breath Alcohol Testing Form
- b) The employee refuses to attempt to provide a sample
- c) The employee fails to cooperate with the testing process
- d) The employee is unable or unwilling to provide an adequate breath sample and the examining physician does not find a medical condition or diagnosis that prevents the employee from providing the sample
- e) The employee fails to remain readily available for testing following an accident as defined in this policy.
- f) The employee fails to report to the collection/testing site for a required test in a timely manner, as defined by Omnitrans, once notification is given without a reasonable excuse.
- g) Failure to submit to a medical examination when required.
- h) Any employee who is deemed to have "refused to test" will be immediately removed from performing safety sensitive functions as defined by the FTA rules (49 CFR Part 655). The "refusal to test" constitutes a positive result. The Agency will impose disciplinary action as outlined in this policy.

F. CONTROLLED SUBSTANCE ABUSE TESTING METHODOLOGIES



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1. Laboratory Analysis

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

2. Initial Screening

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

3. Confirmatory Tests

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

4. Specimen Adulteration/Dilution

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

A urine sample will be considered dilute when the creatine concentration is equal to or greater than 2 mg/dL, but less than 20 mg/dL, and the specific gravity is greater than 1.0010, but less than 1.0030.

5. Laboratory Reporting of Results

-The laboratory will report all test results to the Medical Review Officer (MRO). The reporting of test results must be by confidential, secure electronic (not telephone) or hard copy transmission. The laboratory will



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send to the MRO a copy of the custody and control form bearing the test results. Test results will be reported as negative, positive (if positive, the drug(s) found will be specified), canceled, unsuitable for testing, test not performed, or specimen adulterated.

The laboratory shall only report quantitative levels of positive results to the MRO upon his/her specific request. Quantitative levels shall only be released to the employer if the employer is involved in an administrative or legal proceeding brought by the employee in challenging a test result. Otherwise, the Agency will receive a result of either "Positive- with the substance being identified", or "Negative". The laboratory will provide a quarterly statistical report to the Agency summarizing the testing activity for each quarter.

6. Specimen Retention and Storage

Negative specimens will be destroyed and discarded by the laboratory after results are reported to the MRO. Positive specimens will be retained in long-term frozen storage (-20 degrees C or less) for a minimum of one (1) year. Split specimens of positive results will be retained in frozen storage for at least 60 days or until the MRO provides a written request for the split to be transferred to another laboratory for analysis (whichever occurs first).

7. Split Specimen Analysis

~~When~~ a laboratory receives a split specimen (Bottle B) from the laboratory that conducted the confirmation analysis of Bottle A, the laboratory will conduct the analysis of Bottle B using GC/MS methodology. The specimen will be reported as a "reconfirmation of the drug(s)" if there is any detectable presence of the drug(s); GC/MS cut off levels do not apply. The results of the split specimen analysis are reported to the MRO. The split specimen will be retained in long-term frozen storage for a minimum of one (1) year by the laboratory that conducted the split specimen analysis. (Or longer if litigation concerning the test is pending).

G. CONTROLLED SUBSTANCES TESTING PROCEDURES

1. Urine Specimen Collection

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



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representative also receive a copy of the Drug Testing Custody and Control Form.

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

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

2. Specimen Collection Sites

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

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

3. Chain of Custody and Collection Control

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

4. Individual Privacy

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



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- a) The employee has presented a urine specimen that falls outside the normal temperature (32°-38° C/ 90°-100° F)
- b) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
- c) An employee may also be required to provide a urine specimen under direct observation in the event specimen adulteration is suspected under Section F.4. and H.4. of this policy. However, a higher-level supervisor of the collection site or a designated employer representative shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described above. During an observed collection, the employee will be required to raise and lower clothing and turn around in plain view as well as allowing the observer to view the urine stream from the donor to the collection container. Failure to follow the observers instructions during an observed collection to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process will be considered a refusal per Section 40.191(a) (9) (10).
- d) If the sample is being collected from an employee in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen. Specimens will not be collected from deceased or comatose employees.

5. Insufficient Volume

Original specimen (with insufficient volume) will be discarded unless temperature is out of range or shows evidence of adulteration or tampering. The individual will remain at the collection site until process is complete.

The individual will be allowed to drink up to forty (40) ounces of fluid. If the specimen is not provided within three (3) hours of the first attempt, the collection process will be discontinued. The individual ~~will~~ then ~~will~~ be referred to the MRO.



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The individual will then have five (5) days to obtain a medical examination. The referring physician must be acceptable to the MRO. The medical examination will look for ascertainable physiological conditions or documented pre-existing psychological disorders present at the time of the examination.

6. Specimen Integrity and Identity

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

7. Split Specimen Procedures

There must be a sufficient volume of each specimen to allow for it to be subdivided, secured and labeled in the presence of the tested individual and retained in a secured manner to prevent the possibility of tampering. This will allow an individual the opportunity to request a retest of the specimen by an appropriate laboratory in accordance with Section F.7. of this policy.

8. Transportation to Laboratory

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

9. Failure to Cooperate

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



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

H. CONTROLLED SUBSTANCE TEST RESULTS

1. Medical Review Officer (MRO)

All confirmed positive and negative test results will be reported by the laboratory directly to the medical review officer (MRO) prior to any results being released to the Agency. The MRO will be a licensed physician with knowledge of substance abuse disorders who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. The MRO will review and consider possible alternative medical explanations for the positive test result as well as the chain of custody to ensure that it is complete and sufficient on its face. The Agency will designate an MRO for its controlled substance testing program. ~~The designated MRO is listed in Appendix D.~~

2. MRO Duties

The MRO will perform the following functions for the Agency:

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



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3. Action on Positive Test Results

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

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

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

- a. If the individual expressly declines the opportunity to discuss the test;
- b. If the designated Agency representative has successfully made and documented a contact with the individual and instructed him/her to contact the MRO, and more than five (5) days have passed since the individual was successfully contacted; or
- c. If neither the MRO nor employer has successfully contacted the employee after fourteen (14) days of reasonable effort.

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

In verification of an opiate positive result the MRO may require that the employee submit to a medical examination by an Agency-designated



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physician. The purpose of the examination is to determine if there is clinical evidence of unauthorized use of an opiate substance. An employee's refusal to undergo the medical examination may result in a positive test determination.

4. MRO Determinations

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

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

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

If the MRO determines that a specimen is unsuitable for testing, the MRO will cancel the test. The MRO will provide medical review and verification for all laboratories and reported substituted specimen results. If the MRO receives a laboratory report identifying the specimen as adulterated, the MRO will report the test as adulterated and inform the Agency that the employee has "refused to test".

5. Disclosure of Information

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

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

6. Split Specimen Procedures



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The MRO will notify each employee who has a verified positive test that he/she has seventy-two (72) hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within seventy-two (72) hours of such notice, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. The employee will not be allowed to request a reanalysis of the primary specimen and any retest will be at the employee's expense.

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

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

I. CONFIDENTIALITY AND RECORDKEEPING

1. Confidentiality

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

However, the laboratory or the Agency may disclose information required to be maintained under this policy to the employee, the employer or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or drug test administered under this policy, or from the employer's determination that



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the employee engaged in conduct prohibited by this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)

2. Access to Facilities and Records

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

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

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

J. EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE PROFESSIONAL

1. Employee Education

The Agency will provide employees subject to this policy with education materials explaining the requirements of the Federal Transit Administration drug and alcohol regulations and the Agency policies and procedures for meeting them. In addition, employees will be provided with information concerning the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem. This information will be included in the following:

- a. Distribution of an employee Personnel Policy Manual.
- b. Display and distribution of a community service hot-line telephone number for employee assistance.



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~~c. Appendix E.~~

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

Copies of the above materials and this policy will be distributed to each covered employee prior to the start of alcohol and drug testing required herein and to each employee subsequently hired or transferred into a position requiring the performance of a safety-sensitive function covered by this policy. Each employee who receives a copy of these materials will be required to sign a statement certifying that he or she has received a copy of the same. The Agency will retain the original of the signed certificate and will provide a copy to the employee, if requested. ~~Appendix F.~~ The Agency will also provide written notice to representatives of employee organizations as to the availability of this information.

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

~~Please refer to Appendix E on the effects of Alcohol Abuse.~~

2. Supervisory Training

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

3. Referral, Evaluation and Treatment

a. Available Resources

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

b. Substance Abuse Evaluation



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Although an employee's employment with the Agency may be **terminated** for a violation of this policy, **employees will be advised to undergo an evaluation by an appropriate substance abuse professional, who will determine what, if any, assistance the employee may need in resolving problems associated with alcohol misuse and/or prohibited drug use.** This requirement will apply regardless of whether such conduct is discovered as a result of a positive drug or alcohol test, or independent employer knowledge. **The referral, evaluation and rehabilitation requirements outlined above ~~do~~ apply to job applicants who refuse to submit to or test positive in a pre-employment drug test.**

4. Substance Abuse Professional (SAP)

For purposes of this policy, a substance abuse professional (SAP) is defined as a licensed physician (M.D. or D.O.), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by DOT, NAADAC or ICRC) who has knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

K. DISCIPLINE

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

1. Applicants

An individual who tests positive on a pre-employment or pre-duty test for a prohibited drug will not be hired for a covered function position. Failure of a drug or alcohol test will disqualify an applicant for employment for a period of two (2) years. **Information on referral to a substance abuse professional will be provided to all applicants who test positive.**

2. Employees

An employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 will result in removal from his position for eight (8) hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional



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(SAP). A positive drug and/or alcohol test will also result in termination of employment.

L. RECORDKEEPING AND REPORTING

1. Retention of Records

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

2. Management Information System

The Agency will prepare and submit by March 15 of each year, two (2) summary results reports of all drug and alcohol testing performed under this policy. The Agency will also submit these reports for all contractors who were doing contracted services for the covered year. These reports will be submitted to the FTA Office of Safety and Security. The alcohol summary will contain all of the information required by 49 CFR Part 655 and the drug summary will contain all the information in 49 CFR Part 655.



APPENDIX A

OmniTrans' Safety-Sensitive Function Job ~~Titles~~Classifications

Dispatcher
Dispatch Supervisor
Coach Operator
Field Supervisor
Fleet Safety and Training Supervisor
Fleet Safety and Training Instructor
~~Shop-Shift~~ Supervisor
Equipment Mechanic
Mechanic Helper
Tire Repair Worker
Utility Service Worker
Any Other Employee who holds a Commercial Driver's License and
Performs a Function that Requires a Commercial Driver's License.

APPENDIX B

Minimum Thresholds—Cut Off Levels

Initial Testing

1. The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cut off levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

<u>Types of Drugs</u>	<u>Initial Test Cut Off Levels (ng/ml)</u>
Marijuana Metabolites	50
Cocaine Metabolites	150
Opiate Metabolites	2000*
Phencyclidine	25
Amphetamines	500

* 25ng/ml if immunoassay specific for free morphine.

Confirmation Testing

2. All specimens identified as positive on the initial test will be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cut off levels listed in this paragraph for each drug. All confirmations will be by quantitative analysis.

Concentrations that exceed the linear region of the standard curve will be Documented in the laboratory record as “greater than highest standard curve value”.

<u>Types of Drugs</u>	<u>Confirmation Test Cut Off Levels (ng/ml)</u>
Marijuana Metabolites	15*
Cocaine Metabolites	100 **
Opiates: Morphine	2000
Codine	2000
Phencyclidine	25
Amphetamine: Amphetamine	250
Methamphetamine	250 ***

* Delta 9-Tetrahydrocannabinol 9-Acid

** Benzoylcegonine

*** Specimen must also contain amphetamine at a concentration greater than or equal to 100 ng/ml.

Cut off levels at both the initial and confirmatory levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of the substances at other concentrations.

APPENDIX C

~~Random Testing—Minimum Annual Percentages for Drug and Alcohol Testing~~

~~The annual random testing rates for drug and alcohol are determined separately based on the industry wide positive rate for the preceding two (2) consecutive year period, based on annual MIS reports submitted by covered employers. Rates for future years will be announced each year with the rates dependent on industry wide experience rates.~~

~~Drugs~~

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

~~Alcohol~~

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



APPENDIX DB

~~Company Designated Service Providers for Drug and Alcohol Testing Conducted Under the Terms of This Policy:~~

Company Drug and Alcohol Testing Program Contact

For all questions concerning the Agency's policy or implementation of the Agency's drug and alcohol testing program, employees should contact the individual named below:

Name: ~~Marjorie Ewing~~ **Suzanne Pfeiffer**
Title: Director of Human Resources, ~~Safety & Regulatory Compliance~~
Address: 1700 W. 5th Street
San Bernardino, CA 92411
Phone: (909) 379-7261

~~1. Drug Testing Laboratory~~

~~The following DHHS-certified laboratory has been designated by the Agency to conduct the analysis of all urine specimens tested under the terms of this policy:~~

Name: ~~Clinical Reference Laboratory~~
Address: ~~8433 Quivira~~
~~Lenexa, KS 66215~~

~~2. Medical Review Officers~~

~~The following physicians have been designated by the Agency to perform Medical Review Officer functions for all drug tests conducted under the terms of this policy:~~

Name: ~~U.S. HealthWorks National MRO/Doctor Donald L. Bucklin, MD~~
Address: ~~28035 Avenue Stanford West~~
~~Valencia, CA 91355~~
Phone: ~~(800) 340-3810~~

Name: ~~U.S. HealthWorks/Doctor Mohammed Mahmud, MD~~
Address: ~~2171 S. Grove Avenue, Ste. A~~
~~Ontario, CA 91761~~
Phone: ~~(909) 923-4080~~

Name: ~~U.S. HealthWorks/Doctor Michael S. Valdez, MD~~
Address: ~~1760 Chicago Avenue, Ste. J~~
~~Riverside, CA 92507~~
Phone: ~~(909) 781-2200~~

Name: ~~U.S. HealthWorks/Doctor G. L. McMurray, MD~~
Address: ~~599 Inland Center Drive, Suite 105~~
~~San Bernardino, CA 92408~~
Phone: ~~(909) 889-2525~~



Name: ~~U.S. HealthWorks Colton Clinic/Doctor Donald L. Bucklin, MD~~
Address: ~~28035 Avenue Stanford West~~
~~Valencia, CA 91355~~
Phone: ~~(800) 340-3810~~

3. ~~Substance Abuse Professional (SAP)~~

~~Substance Abuse Professional (SAP) services, including information, referral, assessment, and evaluation, are available from the following Agency designated individuals/organization:~~

Name: ~~Dr. Kathleen Bruner~~
~~Robert Bruner, CEAP~~
~~Gordon Van Cleve, DOT~~
~~National Substance Abuse Professionals Network~~
Address: ~~1615 Orange Tree Lane~~
~~Redlands, CA 92374~~
Phone: ~~1-800-879-6428~~

4. ~~Collection Sites~~

~~The following clinics have been designated by the Agency to perform collection functions for all drug and alcohol tests conducted under the terms of this policy.~~

Name: ~~U.S. HealthWorks~~
Address: ~~2171 S. Grove Avenue, Ste. A~~
~~Ontario, CA 91761~~
Phone: ~~(909) 923-4080~~

Name: ~~U.S. HealthWorks~~
Address: ~~1760 Chicago Avenue, Ste. J~~
~~Riverside, CA 92507~~
Phone: ~~(909) 781-2200~~

Name: ~~U.S. HealthWorks~~
Address: ~~599 Inland Center Drive, Suite 105~~
~~San Bernardino, CA 92408~~
Phone: ~~(909) 889-2525~~

Name: ~~U.S. HealthWorks~~
Address: ~~850 East Washington St.~~
~~Colton, CA 92324~~
Phone: ~~(909) 370-0572~~
~~_____~~

APPENDIX E

ALCOHOL MISUSE INFORMATION

Alcohol is a drug. It is a central nervous system depressant that slows down the body's functions. For some people, the use of alcohol can become addictive. The body develops a tolerance for alcohol, thus needing more of the drug to achieve the same effects. Once addicted to alcohol, the body experiences withdrawal symptoms when alcohol is not present in the bloodstream. Alcohol addiction, or alcoholism, is a disease. If left untreated, alcoholism is progressive—that is the damage to the body continues, and it is ultimately fatal.

Alcohol misuse, alcohol abuse, and alcoholism affect an individual's work performance. Alcohol, even in very small amounts, affects judgments, reflexes, thinking ability, coordination, and attention. Alcohol is particularly dangerous when an individual needs to make a decision and act in an emergency or unfamiliar situation. Alcohol in a person's bloodstream affects one's ability to operate a vehicle or complex machinery, and to perform many safety-sensitive related tasks. Coming to work with a "hangover" also affects an employee's ability to perform. Hangover symptoms include diminished clarity in thinking, tremors that reduce fine motor coordination and flu-like feelings that decrease alertness and well-being.

Alcohol misuse, alcohol abuse and alcoholism also affect an individual's personal and family life. Heavy alcohol drinkers have more illness and medical conditions requiring treatment. Financial and legal complications from excessive drinking are common problems. In the late stages of alcoholism, the individual's life is centered around alcohol; family, job, friends (except drinking buddies) are unimportant and ignored. Alcohol abuse and alcoholism can cause permanent damage to the liver, heart, brain, and other vital organs.

The following are indicators that alcohol is a problem in an individual's life: Calling in "sick" from work because of heavy drinking or hangover. Making repeated promises to family/ friends to "cut down" or stop drinking.

- Needing increasing amounts of alcohol to "feel good or get high".
- Morning shakes or tremors that are relieved by taking a drink.
- Being arrested for drunk driving.
- Needing a drink to get through a shift at work.
- Refusing to participate in leisure activities where alcohol is unavailable.
- Experiencing periods of "blackout" when drinking (not remembering some events or situations that occurred while drinking).



SUBSTANCE ABUSE POLICY ACKNOWLEDGEMENT

I, the undersigned, do hereby acknowledge that I have received a copy of the Omnitrans SUBSTANCE ABUSE POLICY and understand that I must abide by its provisions.

Employee's Name (PLEASE PRINT)

Employee's Signature

Date

APPENDIX F

APPENDIX G

Breathe Alcohol Testing Procedures

~~9/30/11 FTA determined this appendix is not required~~



~~APPENDIX H~~

~~DOT Urine Specimen Collection Procedures~~

~~9/30/11 FTA determined this appendix is not required~~



APPENDIX I

POST-ACCIDENT INDIVIDUAL TEST SUMMARY

- 1) Accident Identifier: _____
- 2) Location of Accident: _____

- 3) Accident Date: _____ Time: _____
- 4) Report Date: _____ Time: _____
- 5) Name of Employee: _____
- 6) Identification Number: _____
- 7) Position: _____
- 8) Result of Accident: _____ Fatality
_____ Disabling Damage*to One or More Vehicles
_____ Injury Requiring Immediate Transport to
_____ Medical Facility
_____ Employee _____ Other Vehicle
_____ Passenger _____ Other, Specify: _____

- 9) Was the Employee sent for a post-accident test? _____ Yes _____ No
- 10) If No, Explain: _____

- 11) Decision to Test: FTA Authority _____ Yes _____ No
Company Authority _____ Yes _____ No
- 12) Type of Test: _____ Drug _____ Alcohol
- 13) Supervisor Making Determination: _____
- 14) Notification of Test: _____ Date: _____ Time: _____
- 15) Test Conducted, Drug: _____ Date: _____ Time: _____
Alcohol: _____ Date: _____ Time: _____



16) ~~Did the alcohol test occur more than two hours from the time of the accident?~~

~~_____ Yes _____ No~~

~~If Yes, Explain:~~

~~_____~~
~~_____~~
~~_____~~

17) ~~If no alcohol test occurred because more than eight hours elapsed from time of the accident, please explain:~~

~~_____~~
~~_____~~
~~_____~~

18) ~~Did the employee leave the scene of the accident without just cause? ____ Yes ____ No~~

~~If Yes, Explain:~~

~~_____~~
~~_____~~
~~_____~~

19) ~~If no drug test was performed because more than 32 hours had passed since the time of the accident, explain why:~~

~~_____~~
~~_____~~
~~_____~~

~~Supervisor making determination: _____~~

20) ~~Test Result: _____ Positive _____ Negative _____ Cancelled~~

21) ~~Attachments:~~

- ~~_____ # Test Result Summary~~
- ~~_____ # Order to Test~~
- ~~_____ # Chain of Custody~~
- ~~_____ # Alcohol Testing Form~~

~~* *Disabling Damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement, without damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors, or windshield wipers that makes them inoperative.~~



APPENDIX J

REASONABLE SUSPICION TESTING DETERMINATION FORM

Note to Supervisor/Company Official: This form is to be used to substantiate and document the objective facts and observations leading to a reasonable suspicion testing determination. After a direct observation of the employee's appearance, behavior, speech, body odors, and/or performance, please check ALL the indicators that raised your suspicion that the employee may have engaged in conduct which violates the Drug and Alcohol policy. **Read further instructions on back page.**

Employee Name _____ Job Title _____

Supervisor/Co. Official _____ Job Title _____

Date/Time of Determination: _____

Name(s) of Witness(es), if any: _____

APPEARANCE OR PHYSICAL INDICATORS C. SPEECH OR BODY ODORS

<input type="checkbox"/> Flushed or very pale complexion	<input type="checkbox"/> Slurred, thick, slowed
<input type="checkbox"/> Excessive sweating or skin clamminess	<input type="checkbox"/> Incoherent, nonsensical, silly
<input type="checkbox"/> Bloodshot or watery eyes	<input type="checkbox"/> Loud, boisterous
<input type="checkbox"/> Dilated or constricted pupils	<input type="checkbox"/> Repetitious, rambling
<input type="checkbox"/> Nystagmus (jerky eye movement)	<input type="checkbox"/> Cursing, inappropriate language
<input type="checkbox"/> Unfocused, blank stare	<input type="checkbox"/> Rapid, pressured
<input type="checkbox"/> Runny/bleeding nose	<input type="checkbox"/> Excessive talkativeness
<input type="checkbox"/> Disheveled clothing	<input type="checkbox"/> Exaggerated enunciation
<input type="checkbox"/> Unkempt grooming	<input type="checkbox"/> Odor of alcohol
<input type="checkbox"/> Possible puncture marks on arms	<input type="checkbox"/> Distinctive pungent aroma
<input type="checkbox"/> Dry mouth, wetting lips frequently	

BEHAVIORAL INDICATORS D. PERFORMANCE INDICATORS*

<input type="checkbox"/> Stumbling, unsteady gait	<input type="checkbox"/> Delayed or faulty decision-making
<input type="checkbox"/> Poor coordination	<input type="checkbox"/> Impulsive, unusual risk-taking
<input type="checkbox"/> Hyperactivity, fidgety, agitated	<input type="checkbox"/> Inability to concentrate
<input type="checkbox"/> Nervous, disorderly	<input type="checkbox"/> Lack of motivation
<input type="checkbox"/> Irritable, moody, belligerent	<input type="checkbox"/> Impaired mental functioning
<input type="checkbox"/> Shaking, tremors, twitches	<input type="checkbox"/> Decreased alertness
<input type="checkbox"/> Dizziness or fainting	<input type="checkbox"/> Significant increase in errors
<input type="checkbox"/> Nausea or vomiting	<input type="checkbox"/> Reduced quality/quantity of work
<input type="checkbox"/> Breathing irregularly or with difficulty	<input type="checkbox"/> Inappropriate response to instructions
<input type="checkbox"/> Extreme fatigue or sleeping on the job	<input type="checkbox"/> Excessive absences or use of sick time
<input type="checkbox"/> Depressed, withdrawn	<input type="checkbox"/> Lackadaisical, apathetic attitude

Other observations not noted above: _____

Date/Time of Test: _____ Test Refused: ☐ No ☐ Yes



~~*These are usually long-term indicators. Must be combined with other indicators under A, B, or C.~~

Instructions to Supervisor/Company Official:

~~Conduct the employee interview in a private setting, mindful of the dignity and confidentiality rights of the employee.~~

~~Give the employee an opportunity to explain the reason(s) for the indicators you have observed from his or her perspective. Expect denial. Note explanation given by the employee (if any) in the space below.~~

~~Determine if the employee can be sent for reasonable suspicion testing for alcohol. Remember that FTA rule Part 655 authorizes reasonable suspicion testing for alcohol only just before, during, or just after the employee's performance of safety-sensitive function.~~

~~Arrange to have the employee accompanied to the collection site for testing without delay.~~

~~Federal regulations require that reasonable suspicion testing for alcohol be administered within two (2) hours following the determination to refer the employee for testing. If alcohol testing is not conducted within two hours, document the reason for the delay. If the test is not administered within eight (8) hours, cease all attempts to test and document the reason for the inability to test. Please use the space below to document any delays or inability to test.~~

~~Complete and sign this document and send original to the Human Resources Department, attention Denise Gibson.~~

Supervisor/Company Official Signature _____

~~IMPORTANT: DO NOT TRY TO DIAGNOSE ABUSE OR ADDICTION OR IDENTIFY THE SPECIFIC DRUG ASSOCIATED WITH THE EMPLOYEE'S BEHAVIOR OR APPEARANCE.~~

APPENDIX K



~~SAFETY SENSITIVE EMPLOYEE PRESCRIPTION DRUG USE FORM~~

~~INSTRUCTIONS FOR EMPLOYEES IN SAFETY SENSITIVE POSITIONS~~

~~You must complete this form if:~~

~~You are disclosing the use of a new prescription drug. You must complete the "Employee Section" of this form. Have your physician complete the "Physician Section" and forward to your supervisor or the Human Resources Department. Attach copies of the prescription bottle labels.~~

~~You are disclosing a prescription drug renewal (#1 has previously been completed). You must complete the "Employee Section" of this form and attach a copy of your prescription renewal label, and forward to your supervisor or the Human Resources Department.~~

Employee Section:

Printed Name: _____ Employee # _____

Employee's Safety Sensitive Job Function (check those that apply) (for a list of Safety Sensitive positions refer to Policy 701, Appendix A):

- ☐ Operate a public transit bus
- ☐ Operate a non-revenue service vehicle
- ☐ Control the dispatch or movement of company transit buses
- ☐ Maintain and/or repair transit vehicles
- ☐ Supervisor whose duties require the performance of any of the above functions

~~Employees must wait at least 4 hours after taking any medication containing alcohol before working.~~

~~Employees must wait 8 hours after taking any over the counter medications containing the following ingredients before they perform safety sensitive duties:~~

Cold & Allergy Medications	Diphenhydramine, Chlorpheniramine, Clemastine
Motion Sickness Medications	Bonine (Meclizine) and Dramamine (Dimenhydrinate)
Sleep Medications	Doxylamine, Diphenhydramine

~~I understand that it is my obligation to inform my physician of my job functions and inform Omnitrans of any medication I am taking and to obtain approval from Omnitrans to work while taking this medication.~~

Employee's Signature

Date

Physician Section:

PRESCRIPTION DRUGS

~~** To Be Completed By Physician Only **~~



Based on your best medical opinion, make your determination and complete the section below and check the applicable box. You may contact the Human Resources Department at (909) 379-7260 if you have any questions.

~~Safe — This patient's condition and medication will not interfere with his/her ability to perform job duties safely.~~
~~Potential Impairment — This medication may impair functioning; patient should not take while performing job duties or for a period of time prior to duties (please specify).~~

Name of Drug _____ Dosage/Frequency _____

1. _____
~~☐ Safe ☐ Potential Impairment — Employee should not take during or for _____ hours before duties.~~

2. _____
~~☐ Safe ☐ Potential Impairment — Employee should not take during or for _____ hours before duties.~~

3. _____
~~☐ Safe ☐ Potential Impairment — Employee should not take during or for _____ hours before duties.~~

~~I have reviewed the above named employee's job functions and medical records. It is my opinion that this patient's condition and the medication(s) he/she is taking or has been prescribed will not interfere with his/her ability to safely perform those job functions.~~

Physician's Signature _____ Physicians Medical Office Stamp

Physician's Printed Name _____ Date

~~FOR HR OR SUPERVISOR USE ONLY~~

~~Date Supv. Received: _____ Received by: _____~~

~~Date HR Received: _____ Received by: _____~~

~~HR: ☐ Approved ☐ Not Approved ☐ Supervisor Notified: _____~~

~~Date: _____ Time: _____~~

~~{Fn 04/07/10} _____~~

~~APPENDIX L~~

~~**SAFETY- SENSITIVE EMPLOYEE NON-PRESCRIPTION FORM**~~

~~**** Over-the-Counter Medications Only ****~~

~~INSTRUCTIONS FOR EMPLOYEES IN SAFETY SENSITIVE POSITIONS~~



~~You must complete this form if you are disclosing the use of non-prescription over the counter medications.~~

Name of Medication: _____

Dosage Taken: _____

I take this medication during my work hours (check one): _____ Yes ☐ _____ No ☐

This medication affects my ability to drive or operate machinery (check one): _____ Yes ☐ _____ No ☐

~~Employees must wait at least 4 hours after taking any medication containing alcohol before working.~~
~~Employees must wait 8 hours after taking over the counter medications containing the following ingredients before they perform safety sensitive duties:~~

Cold & Allergy Medications	Diphenhydramine, Chlorpheniramine, Clemastine
Motion Sickness Medications	Bonine (Meclizine) and Dramamine (Dimenhydrinate)
Sleep Medications	Doxylamine, Diphenhydramine

~~I understand that it is my obligation to inform my supervisor/Omnitrans of any medication I am taking that may affect my ability to perform my safety sensitive job duties while taking this medication (Policy 701, Prescription & Non-Prescription (Over the Counter) Drug Use, III., A., 3.).~~

Employee's Name (printed) _____ Employee # _____

Employee's Signature _____ Date _____

FOR HUMAN RESOURCES OR SUPERVISOR USE ONLY

Date Supv. Received: _____ Received by: _____

Date HR Received: _____ Received by: _____

HR: ☐ Approved ☐ Not Approved Supervisor Notified: _____

Date: _____ Time: _____

{Fn 04/07/10}



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SUBJECT

Drug and Alcohol Policy

APPROVED BY OMNITRANS
BOARD OF DIRECTORS

DATE: July 10, 2019

I. Purpose

The purpose of this policy is to establish a program to comply with the requirements of 49 CFR Parts 40 and 655, as amended, and is designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions.

Omnitrans is dedicated to providing safe, dependable and economical transportation services to our transit system passengers. The Federal Transit Administration (FTA) has specifically noted the use of alcohol and prohibited drugs has been demonstrated to significantly affect the performance of individuals in the mass transportation industry. Omnitrans employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance for personal problems, including alcohol or drug dependency, that may adversely affect their ability to perform their assigned duties.

The purpose of this policy is to ensure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. The potential side effects of alcohol misuse are substantial in absenteeism, increased health care costs, etc. This program will also help discourage substance abuse and serve as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently use drugs. Finally, this program will enhance the safety of our employees and the public by fostering the early identification and referral for treatment of workers with alcohol or drug abuse problems.

This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U. S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive functions and prevents performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) has also enacted 49 CFR part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 32, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-



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related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

All provisions set forth in **bold face print** are consistent with requirements set forth in 49 CFR Part 40 and Part 655, as amended. All other provisions are set forth under the authority of the Agency.

II. Scope

This policy applies to all safety-sensitive and non-safety-sensitive Agency applicants, transferees, employees, contracted employees, and contractors when they are on transit property or when performing any transit related safety-sensitive or non-safety-sensitive business. Visitors, vendors, and contractor employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

A. For purposes of this policy “safety-sensitive function” includes:

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

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

Appendix A lists Safety-Sensitive job classifications at Omnitrans.

B. Contractors

This policy also applies to recipients of FTA assistance as defined in 49 CFR Part 655, as well as other entities that provide mass transportation services or perform safety-sensitive functions for such recipients or entities, including subrecipients, operators and contractors. Contractors subject to the requirements of the regulations include persons or organizations that provide services for the Agency consistent with a specific understanding or arrangement that reflects an ongoing relationship between the parties. The Agency will ensure that any



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contractors who perform safety-sensitive functions within the scope of this policy and the regulations certify their compliance with the requirements of 49 CFR Part 655.

III. Procedure

A. Prohibited Substances

1. Alcohol

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

2. Illegally Used Controlled Substances or Drugs

Although this policy prohibits the use of any controlled substances not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine to test for the presence of marijuana, cocaine, opioids, amphetamines and phencyclidine. Consumption of these products is prohibited at all times. Therefore, safety-sensitive employees may be tested at any time while on duty.

3. Prescription Medications

An individual will be allowed to list on the back of the donor copy of the Urine Custody and Control Form, any prescribed medication that he/she may be taking or may have recently taken.

B. Conditions of Employment

Participation in Omnitrans drug and alcohol testing program is a requirement of each safety-sensitive and non-safety sensitive employee and, therefore is a condition of employment. Covered employees are also prohibited from refusing to submit to a required substance abuse test as outlined by this policy.

1. Prohibited Conduct

a. Manufacture, Trafficking, Possession, and Use.

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on Omnitrans premises, in transit vehicles, in uniform, or while on Omnitrans business will be subject to termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.



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b. Impairment

Any **safety-sensitive** or non-safety sensitive employee who is reasonably suspected of being impaired by a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be impaired by prohibited substances or **who fail to pass a drug or alcohol test shall be removed from duty** and subject to termination. **A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.**

c. Alcohol Use

Agency and the **Federal Transit Administration Regulations prohibit the following conduct as it relates to alcohol use:**

- 1) **No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.04 or greater.**
- 2) **No employee shall have used alcohol within four hours of reporting for duty.**
- 3) **No employee shall use alcohol while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function.**
- 4) **No employees shall use alcohol during the hours they are on call.**
- 5) **No safety-sensitive employee shall use alcohol for eight hours following an accident, unless the employee has first undergone a post-accident alcohol test.**

Violation of these provisions is prohibited and will make the employee subject to disciplinary action up to and including termination.

2. Notifying the Transit System of Criminal Alcohol and/or Drug Conviction

Any employee who fails to notify Omnitrans in writing within five (5) days of any criminal alcohol and/or drug statute conviction shall be subject to disciplinary action up to and including termination. Omnitrans will then report the conviction as stated above to the FTA Regional Counsel within ten (10) calendar days.

3. Compliance with Testing Requirements

All safety-sensitive and non-safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in



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connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately, and be subject to dismissal proceedings. Refusal can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

4. Self Identification and Rehabilitation

It is Omnitrans policy to encourage employees to identify and detect their alcohol and substance abuse problems, and to enter a rehabilitation program. Accordingly, the Agency will allow employees, with a minimum of one year's service, one opportunity to enter a rehabilitation program if they identify themselves before Agency detection of the problem, or the occurrence of a situation that may result in a requirement to undergo urine and breath testing.

5. -Proper Application of the Policy

Omnitrans is dedicated to ensuring fair and equitable application of this policy. Therefore, all supervisory employees are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisory employee who knowingly disregards the requirements of this policy, or who is found to deliberately misuse, or neglect to enforce the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination.

C. TESTING CIRCUMSTANCES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. **All safety-sensitive and non-safety-sensitive employees shall be subject to testing prior to employment (post offer) or transfer to safety-sensitive positions, for reasonable suspicions/probable cause, fit for duty medical examination (post 90 day return from leave), and following an accident. Those employees who perform the safety-sensitive job listed in Appendix A to this policy shall also be subject to testing on a random, unannounced basis.**

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

1. Pre-employment Testing

All safety-sensitive and non-safety-sensitive position applicants shall undergo urine drug testing prior to (post offer) employment. Receipt by



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Omnitrans of negative test result is required prior to beginning safety-sensitive duties. All employees being transferred from a non-safety-sensitive function to a safety-sensitive function will also be required to have a negative pre-employment drug test result prior to beginning any safety-sensitive function. The test must be performed within 90 days of beginning any safety-sensitive duties. If a test is cancelled for any reason, the employee or applicant must retake and have a negative result prior to being hired or beginning any safety-sensitive function. Failure of a drug test will disqualify an applicant for employment for a period of two (2) years.

Omnitrans will obtain written consent from applicants to request information from previous DOT regulated employers that had employed the individual within the previous two years. If the applicant does not provide consent, he/she may not perform any safety-sensitive functions.

Pursuant to Section 655.41(a)(2), all applicants and/or employees of safety-sensitive positions will be asked during the oral interview portion of the selection process if they have ever failed or refused a DOT pre-employment drug test including requiring evidence that the applicant and/or employee has successfully completed a referral, evaluation and treatment plan.

An employee who has not performed a safety-sensitive duty for 90 consecutive days or more and has not been in the random selection pool shall take a pre-employment physical examination that includes a DOT drug test with a verified negative result before returning to safety-sensitive duties.

2. Reasonable Suspicion Testing

All safety-sensitive and non-safety-sensitive employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance including, but not limited to, any employee suspected of possessing, using or being impaired by alcohol or an illegal drug, a legal drug if such use would violate this Policy or pose a safety threat, while on duty and/or in Agency uniform.

A reasonable suspicion referral for testing must be based upon specific, contemporaneous, articulate observations concerning appearance, behavior, speech, or body odors of the covered safety-sensitive and non safety-sensitive employee consistent with possible drug use or alcohol



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misuse. These observations will only be made by one supervisor who has received appropriate training in detecting the signs and symptoms of drug and alcohol use and will be documented by that individual on a "Reasonable Suspicion – Individual Test Summary". A reasonable suspicion alcohol test will only be required if the reasonable suspicion observations are made just before, during or just after the period of the workday that the covered employee is required to be in compliance with this policy.

If the reasonable suspicion alcohol test is not administered within two (2) hours following the reasonable suspicion determination, the Agency will document the reasons why the test was not promptly administered. If the test is not administered within eight (8) hours following the reasonable suspicion determination, the Agency will no longer attempt to administer an alcohol test and will document the reasons for its inability to do the test.

In any reasonable suspicion testing circumstance, an Agency representative will transport the individual to the collection facility and await the completion of the collection procedure. The Agency representative will then transport the individual back to the Agency's premises where a family member or designated individual will be contacted to transport the individual from the premises. In the event no such individual is available, the Agency will make arrangements to transport the employee home. Any associated costs for post-testing transportation will be reimbursed to the individual if the reasonable suspicion test result is negative. If the individual refuses to comply with any of these procedures and attempts to operate his/her own vehicle, the Agency will take appropriate efforts to discourage him/her from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the above procedures will be subject to disciplinary action, up to and including termination.

Any safety-sensitive employee may not be assigned to a safety-sensitive function until a negative result has been received. An employee receiving a negative result shall be promptly returned to his/her former duties. While awaiting test result(s), employees will be put on paid administrative leave.

3. Post-Accident Testing

- a) **Safety-sensitive or non-safety sensitive employees will be required to undergo alcohol and drug testing if they are involved in an accident while operating an Omnitrans vehicle (regardless of whether or not the vehicle is in revenue service), if as a result of the accident:**



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- 1) An individual dies;
 - 2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
 - 3) There is any disabling damage to any vehicle involved in the accident, requiring the vehicle to be towed away from the scene
- 4) With respect to an occurrence in which the mass transit vehicle involved a bus, electric bus, van or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damages which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage (even if no spare tire is available), headlamp or taillight damage, or damage to turn signals, horn or windshield wipers which makes them inoperative;
- a) post-accident test will be conducted on all surviving covered employees whose performance could have contributed to the accident, as determined by the Agency using the best information available at the time of the decision.

Post-accident testing is stayed while the employee assists in the resolution of the accident or receives medical attention following the accident. In the event following an accident, an alcohol test is not administered within two (2) hours; the Agency will prepare and maintain record stating the reasons why the test was not promptly administered. The employee will be tested for alcohol within eight (8) hours of the accident, or the Agency will make no further effort to administer and will document the reasons why the test was not administered within eight (8) hours. In the event a drug test is not administered within 32 hours following an accident, the Agency will cease its attempts to administer further drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but any other covered employee whose performance could have contributed to the accident.



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b) The Post-Accident Individual Test Summary form shall be used by the supervisor to ensure that proper procedure is followed in post-accident drug and alcohol testing. This form will be identified with an identification number that corresponds with accident records. The form will be kept as part of the testing records.

c) Testing will not be required after non-fatal accidents if the Agency determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident and that the employee's performance could not have contributed to the accident.

4. Random Testing

Any safety-sensitive employees subject to the Federal Transit Administration guidelines of this policy will be required to submit to random drug and alcohol testing. The Agency will conduct random drug and alcohol tests at no less than the minimum annual percentage rate as required by the FTA.

The random selection process is completely objective and anonymous and utilizes a scientifically valid method using a computer-based random number generator matched with a random number assigned to the employee's social security number. The tests will be unannounced and the dates for the tests will be reasonably spread throughout the course of the calendar year and occur throughout the work shift. All employees will have an equal chance of being tested each time selections are made, regardless of the number of his/her previous selections, if any.

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



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5. Refusal to Submit

Any covered employee who refuses to submit to an alcohol or drug test will be prohibited from performing or continuing to perform a safety-sensitive function and be subject to termination. "Refusal to submit" to an alcohol or drug test constitutes a positive result, a violation of this policy, and includes the following conduct:

- a. **Failing to provide adequate breath for alcohol testing, without a valid medical explanation after an individual has received notice of a required breath test;**
- b. **Failing to provide an adequate urine sample for drug testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after an individual has received notice of a required urine test;**
- c. **Engaging in conduct that clearly obstructs the testing process, including the failure or refusal to sign any document or form required under this policy or by any party authorized to carry out testing under this policy;**
- d. **Failing to remain readily available for testing, including notifying the Agency of his/her location if he/she leaves the scene of the accident, when an individual is involved in an accident as defined in this policy; and**
- e. **Failure of the employee to report to the collection/testing site in a timely manner, as defined by Omnitrans, once notification is given without a reasonable excuse for a required test (except for a pre-employment test).**
- f. **Leaving a collection facility prior to a test completion (except in a pre-employment test where leaving before the test begins is not considered a test refusal).**
- g. **Failure to permit an observed or monitored collection when required.**
- h. **Failure to take a second test when required (i.e. a cancelled test).**
- i. **Failure to undergo a medical exam when required.**



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- j. For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants and turn around.
- k. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- l. Admitting to the adulteration or substitution of a specimen to the collector or MRO.
- m. MRO's verification of a test as adulterated or substituted constitutes a refusal.

D. ALCOHOL TESTING METHODOLOGIES

1. Alcohol Testing Personnel

a) Breath Alcohol Technician

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

b) Screening Test Technician (STT)

Anyone qualified to act as a Breath Alcohol Technician may act as a Screening Test Technician (STT), provided that he/she has demonstrated proficiency in the operation of the non-evidential screening device to be used by that individual. Any other individual may act as an STT as long as he or she successfully completes the Department of Transportation model course, or a course of instruction determined by the Department of Transportation's Office of Drug and Alcohol Policy Compliance to be equivalent to it.

2. Alcohol Testing Device

- a) **Evidential Breath Testing Device** for the evidential testing of alcohol is listed in the "Conforming Products List (CPL) of Evidential Breath Measurement Devices." For confirmatory breath tests, the Agency will use an EBT that is capable of providing a printed result of each breath test in triplicate (or three consecutive identical copies). This device



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will be capable of assigning a unique and sequential number to each completed test. The EBT will also be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level and be capable of testing an air blank prior to each collection of breath and performing an external calibration check.

- b) In order to be used for any alcohol testing under this policy, the EBT must have a quality assurance plan (QAP) developed by the manufacturer and approved by National Highway Traffic Safety Administration (NHTSA). The Agency or its designated agent will ensure compliance with the QAP for each EBT it uses for alcohol testing under this policy.

3. Alcohol Testing Site

- a) The Agency will use an alcohol testing site that affords visual and aural privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing test results. The alcohol testing site will be secure, and no unauthorized persons will be permitted access to it at any time when testing is being conducted or when the EBT remains unsecured. Alcohol testing will take place at locations designated by the Agency.
- b) In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) a test may be conducted at a place other than a designated testing facility, but the Agency or the BAT will ensure that visual and aural privacy will be provided to the greatest extent practicable.

4. The Breath Alcohol Testing Form

- a) The Agency will use a Breath Alcohol Testing Form prescribed by the Department of Transportation for EBT alcohol screening devices.

E. ALCOHOL TESTING PROCEDURES

1. Screening and Confirmation Testing

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



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is considered negative and the process is complete. The BAT/STT will complete and sign the breath alcohol testing form.

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

2. Inability to Provide a Sample

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

3. Invalid Alcohol Test Results

Alcohol results >0.02 on the confirmation test are deemed invalid if certain critical errors or omissions occur in the testing process. The reasons for invalidation of a test result include: failure of the EBT/STT on the next external calibration check; less than 15 minutes elapsed between screening and conformation; omission of or failure on an air blank before the confirmation test; failure of the BAT/STT to sign the Breath Alcohol Testing Form; no printed EBT result; or the BAT/STT's failure to note employee's refusal to sign the final certification statement in step 4 of the Breath Alcohol Testing Form; the sequential test number



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or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result. If an event occurs during the testing process, or an error is discovered, that would invalidate a confirmation test result, the employee shall be subject to repeat the testing process, if practical.

4. Refusal to Test

For purposes of alcohol testing, the following are considered refusals to test:

- a) The employee refuses to sign Step 2 of the Breath Alcohol Testing Form
- b) The employee refuses to attempt to provide a sample
- c) The employee fails to cooperate with the testing process
- d) The employee is unable or unwilling to provide an adequate breath sample and the examining physician does not find a medical condition or diagnosis that prevents the employee from providing the sample
- e) The employee fails to remain readily available for testing following an accident as defined in this policy.
- f) The employee fails to report to the collection/testing site for a required test in a timely manner, as defined by Omnitrans, once notification is given without a reasonable excuse.
- g) Failure to submit to a medical examination when required.
- h) Any employee who is deemed to have "refused to test" will be immediately removed from performing safety sensitive functions as defined by the FTA rules (49 CFR Part 655). The "refusal to test" constitutes a positive result. The Agency will impose disciplinary action as outlined in this policy.

F. CONTROLLED SUBSTANCE ABUSE TESTING METHODOLOGIES

1. Laboratory Analysis

All urine specimens tested for drugs of abuse under this policy will be analyzed at a laboratory certified by the Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA). +

2. Initial Screening

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



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3. Confirmatory Tests

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

4. Specimen Adulteration/Dilution

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

A urine sample will be considered dilute when the creatine concentration is equal to or greater than 2 mg/dL, but less than 20 mg/dL, and the specific gravity is greater than 1.0010, but less than 1.0030.

5. Laboratory Reporting of Results

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

The laboratory shall only report quantitative levels of positive results to the MRO upon his/her specific request. Quantitative levels shall only be released to the employer if the employer is involved in an administrative or legal proceeding brought by the employee in challenging a test result. Otherwise, the Agency will receive a result of either "Positive- with the substance being identified", or "Negative". The laboratory will provide a quarterly statistical report to the Agency summarizing the testing activity for each quarter.

6. Specimen Retention and Storage

Negative specimens will be destroyed and discarded by the laboratory after results are reported to the MRO. Positive specimens will be retained in long-term frozen storage (-20 degrees C or less) for a minimum of one (1) year.



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Split specimens of positive results will be retained in frozen storage for at least 60 days or until the MRO provides a written request for the split to be transferred to another laboratory for analysis (whichever occurs first).

7. Split Specimen Analysis

When a laboratory receives a split specimen (Bottle B) from the laboratory that conducted the confirmation analysis of Bottle A, the laboratory will conduct the analysis of Bottle B using GC/MS methodology. The specimen will be reported as a "reconfirmation of the drug(s)" if there is any detectable presence of the drug(s); GC/MS cut off levels do not apply. The results of the split specimen analysis are reported to the MRO. The split specimen will be retained in long-term frozen storage for a minimum of one (1) year by the laboratory that conducted the split specimen analysis. (Or longer if litigation concerning the test is pending).

G. CONTROLLED SUBSTANCES TESTING PROCEDURES

1. Urine Specimen Collection

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

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

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

2. Specimen Collection Sites

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



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

3. Chain of Custody and Collection Control

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

4. Individual Privacy

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

- a) The employee has presented a urine specimen that falls outside the normal temperature (32°-38° C/ 90°-100° F)
- b) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
- c) An employee may also be required to provide a urine specimen under direct observation in the event specimen adulteration is suspected under Section F.4. and H.4. of this policy. However, a higher-level supervisor of the collection site or a designated employer representative shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described above. During an observed collection, the employee will be required to raise and lower clothing and turn around in plain view as well as allowing the observer to view the urine stream from the donor to the collection container. Failure to follow the observers instructions during an observed collection to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used



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to interfere with the collection process will be considered a refusal per Section 40.191(a) (9) (10).

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

5. Insufficient Volume

Original specimen (with insufficient volume) will be discarded unless temperature is out of range or shows evidence of adulteration or tampering. The individual will remain at the collection site until process is complete.

The individual will be allowed to drink up to forty (40) ounces of fluid. If the specimen is not provided within three (3) hours of the first attempt, the collection process will be discontinued. The individual -will then be referred to the MRO.

The individual will then have five (5) days to obtain a medical examination. The referring physician must be acceptable to the MRO. The medical examination will look for ascertainable physiological conditions or documented pre-existing psychological disorders present at the time of the examination.

6. Specimen Integrity and Identity

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

7. Split Specimen Procedures

There must be a sufficient volume of each specimen to allow for it to be subdivided, secured and labeled in the presence of the tested individual and retained in a secured manner to prevent the possibility of tampering. This will allow an individual the opportunity to request a retest of the specimen by an appropriate laboratory in accordance with Section F.7. of this policy.



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8. Transportation to Laboratory

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

9. Failure to Cooperate

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

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

H. CONTROLLED SUBSTANCE TEST RESULTS

1. Medical Review Officer (MRO)

All confirmed positive and negative test results will be reported by the laboratory directly to the medical review officer (MRO) prior to any results being released to the Agency. The MRO will be a licensed physician with knowledge of substance abuse disorders who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. The MRO will review and consider possible alternative medical explanations for the positive test result as well as the chain of custody to ensure that it is complete and sufficient on its face. The Agency will designate an MRO for its controlled substance testing program.

2. MRO Duties



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The MRO will perform the following functions for the Agency:

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

3. Action on Positive Test Results

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

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

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

- a. **If the individual expressly declines the opportunity to discuss the test;**
- b. **If the designated Agency representative has successfully made and documented a contact with the individual and instructed him/her to contact the MRO, and more than five (5) days have passed since the individual was successfully contacted; or**



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- c. If neither the MRO nor employer has successfully contacted the employee after fourteen (14) days of reasonable effort.

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

In verification of an opiate positive result the MRO may require that the employee submit to a medical examination by an Agency-designated physician. The purpose of the examination is to determine if there is clinical evidence of unauthorized use of an opiate substance. An employee's refusal to undergo the medical examination may result in a positive test determination.

4. MRO Determinations

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

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

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

If the MRO determines that a specimen is unsuitable for testing, the MRO will cancel the test. The MRO will provide medical review and verification for all laboratories and reported substituted specimen results. If the MRO receives a laboratory report identifying the specimen as adulterated, the MRO will report the test as adulterated and inform the Agency that the employee has "refused to test".



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5. Disclosure of Information

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

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

6. Split Specimen Procedures

The MRO will notify each employee who has a verified positive test that he/she has seventy-two (72) hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within seventy-two (72) hours of such notice, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. The employee will not be allowed to request a reanalysis of the primary specimen and any retest will be at the employee's expense.

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

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

I. CONFIDENTIALITY AND RECORDKEEPING

1. Confidentiality

The Agency will maintain all records generated under this policy in a secure manner so that disclosure to unauthorized persons does not occur. Thus, the results of any tests administered under this policy and/or any other information generated pursuant to this policy will not be disclosed or released to anyone without the express written consent of the employee,



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except where otherwise required or authorized by law. In addition, the Agency's contract with its designated laboratory requires it to maintain all employee test records in confidence.

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

2. Access to Facilities and Records

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

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

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

J. EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE PROFESSIONAL

1. Employee Education

The Agency will provide employees subject to this policy with education materials explaining the requirements of the Federal Transit Administration drug and alcohol regulations and the Agency policies and procedures for meeting them. In addition, employees will be provided with



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information concerning the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem. This information will be included in the following:

- a. Distribution of an employee Personnel Policy Manual.
- b. Display and distribution of a community service hot-line telephone number for employee assistance.

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

Copies of the above materials and this policy will be distributed to each covered employee prior to the start of alcohol and drug testing required herein and to each employee subsequently hired or transferred into a position requiring the performance of a safety-sensitive function covered by this policy. Each employee who receives a copy of these materials will be required to sign a statement certifying that he or she has received a copy of the same. The Agency will retain the original of the signed certificate and will provide a copy to the employee, if requested. The Agency will also provide written notice to representatives of employee organizations as to the availability of this information.

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

2. Supervisory Training

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

3. Referral, Evaluation and Treatment

a. Available Resources

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



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b. Substance Abuse Evaluation

Although an employee's employment with the Agency may be **terminated** for a violation of this policy, **employees will be advised to undergo an evaluation by an appropriate substance abuse professional, who will determine what, if any, assistance the employee may need in resolving problems associated with alcohol misuse and/or prohibited drug use.** This requirement will apply regardless of whether such conduct is discovered as a result of a positive drug or alcohol test, or independent employer knowledge. **The referral, evaluation and rehabilitation requirements outlined above apply to job applicants who refuse to submit to or test positive in a pre-employment drug test.**

4. Substance Abuse Professional (SAP)

For purposes of this policy, a substance abuse professional (SAP) is defined as a licensed physician (M.D. or D.O.), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by DOT, NAADAC or ICRC) who has knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

K. DISCIPLINE

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

1. Applicants

An individual who tests positive on a pre-employment or pre-duty test for a prohibited drug will not be hired for a covered function position. Failure of a drug or alcohol test will disqualify an applicant for employment for a period of two (2) years. **Information on referral to a substance abuse professional will be provided to all applicants who test positive.**

2. Employees

An employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 will result in removal from his position for eight (8) hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional



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(SAP). A positive drug and/or alcohol test will also result in termination of employment.

L. RECORDKEEPING AND REPORTING

1. Retention of Records

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

2. Management Information System

The Agency will prepare and submit by March 15 of each year, two (2) summary results reports of all drug and alcohol testing performed under this policy. The Agency will also submit these reports for all contractors who were doing contracted services for the covered year. These reports will be submitted to the FTA Office of Safety and Security. The alcohol summary will contain all of the information required by 49 CFR Part 655 and the drug summary will contain all the information in 49 CFR Part 655.



APPENDIX A

OmniTrans' Safety-Sensitive Function Job Classifications

Dispatcher
Dispatch Supervisor
Coach Operator
Field Supervisor
Fleet Safety and Training Supervisor
Fleet Safety and Training Instructor
Shift Supervisor
Equipment Mechanic
Mechanic Helper
Tire Repair Worker
Utility Service Worker
Any Other Employee who holds a Commercial Driver's License and
Performs a Function that Requires a Commercial Driver's License.



APPENDIX B

Company Drug and Alcohol Testing Program Contact

For all questions concerning the Agency's policy or implementation of the Agency's drug and alcohol testing program, employees should contact the individual named below:

Name:	Suzanne Pfeiffer
Title:	Director of Human Resources
Address:	1700 W. 5 th Street San Bernardino, CA 92411
Phone:	(909) 379-7261

ITEM # E4

DATE: June 13, 2019

TO: Committee Chair Sam Spagnolo and
Members of the Administrative and Finance Committee

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Jeremiah Bryant, Director of Strategic Development

**SUBJECT: COOPERATIVE AGREEMENT WITH CITY OF ONTARIO –
TRANSFORMATIVE CLIMATE COMMUNITIES GRANT**

FORM MOTION

Recommend the Board of Directors authorize the CEO/General Manager to enter into a Cooperative Agreement with the City of Ontario, which establishes Omnitrans' roles and responsibilities in the pass-through of \$3,628,523.10 of Transformative Climate Communities (TCC) grant funds from the City to Omnitrans.

This agreement has been reviewed and approved by Omnitrans legal counsel.

BACKGROUND

On November 1, 2017, the Omnitrans Board of Directors approved a Memorandum of Understanding (MOU) between the City of Ontario and Omnitrans, which established the roles and responsibilities of Omnitrans as a partner on the City's Transformative Climate Communities (TCC) grant application to the State of California.

The City applied for the Transformative Climate Communities grant and was successful. A master grant agreement was executed between the City and the State in March 2019.

Omnitrans' role as a partner on the TCC grant-funded project is to provide the following:

- Purchase two new Renewal Natural Gas (RNG) buses and implement increased frequency on Route 83 (from 60-minute to 30-minute frequency during peak times) for three years;
- Purchase and install five premium bus shelters and five standard green bus shelters at designated locations within the project area in Ontario; and
- Provide two travel training programs for residents;

All above-listed activities will begin in 2020 and will be fully reimbursed by the TCC grant. Omnitrans is not contributing any matching funding to the grant. The cooperative agreement outlines the process for the pass-through of \$3,628,523.10 to Omnitrans from the TCC grant funds to cover the costs of the above-listed activities and Omnitrans' administrative costs. The cooperative agreement outlines Omnitrans' responsibilities for invoicing and progress reporting for the grant-funded activities, which are based upon the requirements in the master agreement between the State of California and the City of Ontario for the grant funds.

Strategic Initiatives supported:

- Service and Operations Goal, Strategy 1.1 Introduce new service modes and/or adjust service to address needs of non-riders;
- Marketing Goal, Strategy 1.3 Develop partnerships with businesses and organizations that Omnitrans serves, and Strategy 3.1 Improve passenger amenities.

CONCLUSION

Recommend the Board of Directors authorize the CEO/General Manager to enter into a Cooperative Agreement with the City of Ontario, which establishes Omnitrans' roles and responsibilities in the pass-through of \$3,628,523.10 of Transformative Climate Communities (TCC) grant funds from the City to Omnitrans.

PSG: JB: AMJ

ITEM # _____ E5 _____

DATE: June 13, 2019

TO: Committee Chair Sam Spagnolo and
Members of the Administrative and Finance Committee

THROUGH: P. Scott Graham, CEO/General Manager

FROM: Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: AUTHORIZE AWARD – MNT19-71
LABOR AND PARTS FOR ENGINE AND TRANSMISSION
REPLACEMENTS**

FORM MOTION

Recommend to the Board of Directors to authorize the CEO/General Manager to award Contract MNT19-71 to Complete Coach Works of Murrieta, CA, for the provision of Labor and Parts for Engine and Transmission Replacements, in the amount of \$2,700,273, plus a five (5) percent contingency of \$135,014, for a total not-to-exceed amount of \$2,835,287.

BACKGROUND

Omnitrans operates a fleet of New Flyer Compressed Natural Gas (CNG) powered buses, model years: 2009, 2011 and 2012, which are eligible for midlife overhauls. As part of the midlife overhaul, Omnitrans intends to contract for the labor and miscellaneous parts required to perform engine and transmission replacements. The midlife overhaul replacement project includes the removal of existing Cummins ISL G 8.9 Liter CNG engines and replacement with Omnitrans provided Cummins near-zero L9N engines and catalysts. This contract also includes the labor for the replacement of Omnitrans provided Allison or Voith remanufactured transmissions on an as needed basis. The engine overhaul project will include up to sixty-four (64) New Flyer 40' buses.

On February 6, 2019, Omnitrans' Board of Directors authorized the release of Request for Proposals (RFP) RFP-MNT19-71. Notices were published in two (2) newspapers of general circulation, two (2) minority newspaper publications and posted on Omnitrans' online bidding system.

Three (3) proposals were received by the April 3, 2019 deadline and all were deemed responsive and evaluated in accordance with the selection criteria included in the RFP and were ranked from highest score to lowest score:

Criteria	Possible Points	Complete Coach Works of Murrieta, CA	McCray Enterprises of San Bernardino, CA	UAG Cerritos 1, LLC dba Penske Chevrolet of Cerritos
Qualifications of Firm	35	31.50	26.25	15.17
Quality of Work	15	22.08	15.00	11.67
Experience	35	22.50	16.67	12.08
Technical Total	85	76.08	57.92	38.92
BAFO Pricing Score	15	15.00	12.53	14.86
Final Score	100	91.08	70.45	53.78
Final BAFO Pricing		\$2,700,273	\$3,233,688	\$2,726,400

Complete Coach Works (CCW) was invited to submit a Best and Final Offer (BAFO) and pricing remained the same. CCW has over 30 years of experience delivering similar efforts with specific experience performing mid-life overhauls of engines and transmissions for Orange County Transportation Authority (OCTA), Indianapolis Public Transportation Corporation and Des Moines Area Regional Transit (DART). The firms work plan demonstrates a comprehensive understanding of Omnitrans' requirements and their ability to successfully perform large, multi-unit projects.

Based on the evaluation of the written proposals, and the firms' qualifications and experience, award is recommended to CCW, the highest-ranking firm who proposed the lowest price. Price is deemed fair and reasonable based on competition.

The Evaluation Committee's recommendation for this item was audited by a designated reviewer. This procurement meets the requirements of Omnitrans' Procurement Policies and Procedures

FUNDING SOURCE

The cost associated with this procurement is budgeted in the Omnitrans' Capital Budget as follows:

FUNDING	GRANT	YEAR	PROJECT NAME	INTERNAL ORDER	AMOUNT*
Prop 1B	Prop 1B	2017	Engine Repower	A1720111B	\$2,835,287
Total					\$2,835,287

*Pricing is inclusive of a five (5) percent contingency of \$135,014.

____ Verification of Funding Sources and Availability of Funds
(Verified and initialed by Finance)

Short Range Transit Plan/Strategic Initiative Supported – This procurement supports Omnitrans' Short Range Transit Plan goal to expand, maintain and improve existing vehicles, facilities and passenger amenities.

CONCLUSION

By proceeding with this award, Omnitrans will have the ability to complete midlife overhauls on up to sixty-four (64) buses.

PSG:EFP:KNT