

Columbia County Transit Department

Drug and Alcohol Policy

Effective as of [mm/dd/yyyy]

Adopted by: _____

Date Adopted: [dd/mm/yyyy]

Last Revised: [dd/mm/yyyy]

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1. Policy

The Columbia County Board of County Commissioners (“County”) is dedicated to providing safe, dependable, and economical transportation services to its patrons. The County’s employees are valuable resources and it is also the County’s goal to provide a safe, healthy and satisfying work environment for these employees. In meeting these goals, it is the County’s policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner.
- Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse.
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances.
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

This Policy implements a drug and alcohol testing program for all covered, transit-related system employees. Each affected employee shall be provided with a copy of the adopted Policy.

The County will contract to provide all testing services outlined in this Policy. A copy of that contract is available from the Human Resources Director upon request. The Human Resources Director is designated as the person to answer employee questions regarding this Policy.

2. Purpose of Policy

This Policy is established to comply with the Federal Transit Administration (FTA) drug and alcohol testing requirements to ensure employee fitness for duty and to protect the County’s employees, passengers and the general public from the risks posed by the use of alcohol and prohibited drugs. In conjunction with the County’s Drug Free Workplace Policy, this policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager’s office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>

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

Portions of this policy are not FTA-mandated, but reflect Columbia County Transit Department's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All Columbia County Transit Department employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Appointing Authority no later than five days after such conviction. Upon receipt of a notice of conviction, the County is required to notify the applicable federal agency of the conviction.

3. Covered Employees

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

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

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

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

4. Prohibited Behavior

Use of illegal drugs is prohibited at all times. In accordance with US DOT 49 CFR Parts 655 and 40, prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)

- opioids
- amphetamines

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

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

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

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

5. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Appointing Authority. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

The misuse or abuse of legally prescribed drugs is prohibited; this includes the use of medication that is prescribed to another individual as well as illegally obtained prescription drugs. The County strongly encourages employees to inform their prescribing physician of the safety-sensitive job functions that they perform, in order to ensure that appropriate medications are prescribed.

6. Employee Protections

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee's privacy, the validity of the testing process and the confidentiality of the test results.

All drug testing and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. All specimen collections, analysis and reporting of results shall be in accordance with 49 CFR Part 40, as amended.

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Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS).

Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by the NHTSA. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT.

Except as required by law or expressly authorized in this section, the County shall not release employee information that is contained in records maintained per 49 CFR section 655.73.

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An employee may, upon written request, obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

The County shall release information regarding an employee's records as directed, by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.

Records pertaining to a Substance Abuse Professional's evaluation, treatment and follow up testing results shall be made available to a subsequent DOT employer upon receipt of written consent from an employee.

7. Employee Responsibility to Notify the County of Criminal Drug or Alcohol Conviction

It is a violation of this Policy for any employee to fail to immediately notify the County of any criminal drug or alcohol statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution. An employee who violates this Policy shall be immediately removed from safety-sensitive duties.

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8. Employee Training

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety and the work environment. The training will also include manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech and performance indicators of probable alcohol misuse.

9. Circumstances for Testing

Pre-Employment Testing

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

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

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

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

Applicants are required (even if ultimately not hired) to provide the County with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered employers that the applicant has worked for within the last two years. **Failure to do so will result in the offer of employment being rescinded.** The County is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. IF the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide the County proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

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Reasonable Suspicion Testing

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

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

The County shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in this policy.

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A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Human Resources Director for the County.

Post-Accident Testing

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

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Columbia County Transit Department using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

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

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

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

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

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Post-accident tests will be conducted as soon as practicable. All reasonable efforts shall be made to test the covered employee(s) within two (2) hours of the accident, or the County shall explain the reason the alcohol test was not promptly administered. The County must cease attempts to administer the alcohol test after eight (8) hours and thirty-two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required testing window, the County shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any covered employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing shall be considered to have refused the test.

In the rare event that an employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond the County's control, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by the County, per 49 CFR Part 655.44.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

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

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

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive

functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

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

Return to Duty Testing

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete an SAP-required program of education and/or treatment, and provide a negative return-to-duty drug test result and/or an alcohol test result of less than 0.02. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

Follow-up Testing

Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

10. Testing Procedures

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

Dilute Urine Specimen

If there is a negative dilute test result, Columbia County Transit Department will conduct one additional retest. The result of the second test will be the test of record.

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

Split Specimen Test

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

Canceled/Invalid Test Results

A drug test that has been declared canceled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory will be reported by the MRO as a canceled test.

When a negative drug test result is required (as is the case with pre-employment, return to duty and follow up test types), the employer must conduct another drug test on the individual. For some categories of canceled drug tests, the MRO will indicate that a recollection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation urine collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

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For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be canceled and therefore considered neither positive nor negative.

11. Medical Review Officer's Role and Responsibilities

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders.

The role of the MRO is to review and interpret confirmed positive test results obtained

through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of samples that are not obtained or processed in accordance with DOT regulations.

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An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141.

12. Verified Positive Results

MRO-verified positive drug tests will result in immediate removal from safety-sensitive duties and a referral to a [list of USDOT qualified](#) Substance Abuse Professionals that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart Q, will be provided to employee. An employee must complete the evaluation and treatment prescribed by the Substance Abuse Professional, submit to a return-to-duty test with negative results and adhere to the follow up testing schedule as prescribed by the Substance Abuse Professional in order to be reinstated to safety-sensitive duties.

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13. Test Refusals

All covered employees will be subject to drug testing and alcohol testing as described above. An employee who fails to cooperate with the testing process or attempts to thwart the testing process will be considered to have refused testing.

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

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Columbia County Transit Department.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.

- (3) Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or Columbia County Transit Department for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Columbia County Transit Department's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

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

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

14. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a [list of USDOT qualified Substance Abuse Professionals \(SAPs\)](#). No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.

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

The County will not provide non-safety-sensitive work for an employee who has violated any of the provisions of this Policy. Employees will either utilize earned leave or take leave without pay to accomplish return-to-work requirements.

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A refusal by the employee to participate in counseling and/or rehabilitation services will result in immediate dismissal from County employment. A refusal by the employee to participate in retesting or a positive test during the follow-up period shall result in immediate dismissal from County employment. If there are any subsequent positive tests after the follow-up period, the employee will be subject to dismissal from County employment.

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Should an employee, as a result of an arrest or conviction for drug or alcohol violations, have his or her driver's license revoked or suspended, the County will not be obligated to provide work in positions not requiring a valid driver's license.

15. Treatment/Discipline

Per Columbia County Transit Department policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will not be allowed to return to duty to perform a safety-sensitive function until the following actions have been taken:

- Employee has been evaluated by a Substance Abuse Professional who is qualified in accordance with 49 CFR Part 40 Subpart O.
- Employee has adhered to the course of treatment as prescribed by the Substance Abuse Professional.
- Employee has submitted to a return to duty, drug test and/or alcohol test and the County is in receipt of a negative result(s).

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All return to duty, drug tests, will be conducted under direct observation, in accordance with 49 CFR Part 40, as amended.

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16. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Appointing Authority, who will refer the individual to a substance abuse counselor for evaluation and treatment.

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

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

17. Contact Person

For questions about Columbia County Transit Department’s anti-drug and alcohol misuse program, contact the Transit Director or Human Resources Director.

18. Attachment A: Covered Positions

- Transit Driver
- Transit Dispatcher
- Transit Utility Worker
- Transit Mechanic