

FTA Drug and Alcohol Policy – Intercity Transit



Effective: April 16, 2025

Cancels Policy HR-3511 dated October 7, 2009, November 4, 2009, December 1, 2010, July 14, 2014, and November 4, 2015, and Personnel Policy Manual Dated 1991, Section 11.18

Repeals Resolutions 04-2002, dated April 3, 2002; 01-99, dated March 3, 1999; 06-99, dated August 4, 1999; 06-2009 dated November 4, 2009; 11-2010 dated December 1, 2010; 04-2014 dated July 2, 2014; and 03-2015 dated November 4, 2015.

Rescinds initial policy dated 1/96 and subsequent revisions dated 6/96; 2/99; 7/99; 9/01; 4/02, 9/08, 2/09, 10/09; 12/10; 7/14 and 11/15.

POLICY-HR-3511

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DRUG AND ALCOHOL POLICY

Intercity Transit

Drug and Alcohol Policy

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I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

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

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

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

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

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify Amy Meierhoff in Human Resources no later than five days after such conviction.

2. Covered Employees

This policy applies in general to all Intercity Transit employees: full-time, volunteers, when they are on transit property or when performing transit-related business off property.

Employees who perform safety sensitive functions, or contractors performing safety-sensitive functions for Intercity Transit, will be subject to the specific requirements of federal regulations 49 CFR Part 40 and 49 CFR Part 655. Participation in the federally mandated testing program is a condition of performing safety-sensitive functions.

This policy applies to every person, including an applicant, 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

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- 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.

3. Prohibited Behavior

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

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

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

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

4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

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

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less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

Zero Tolerance

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

5. Circumstances for Testing

Pre-Employment Testing

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 drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

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

Covered employees may be subject to reasonable suspicion drug testing 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.

All employees will be subject to testing for reasonable suspicion. *For non-safety-sensitive employees this testing is conducted under the authority of Intercity Transit.* For safety-sensitive employees this testing is conducted under FTA authority.

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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 Intercity Transit, using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of 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

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

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

Intercity Transit may require drug and alcohol testing of an employee as part of an accident investigation even if the accident did not require FTA Post-Accident testing. This testing will be conducted using non-Federal Drug Testing Custody and Control and Alcohol Testing Forms but will still follow the methods of testing and procedures found in 49 CFR Part 40, as amended.

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Non-safety sensitive employees will be subject to a Non-DOT Post-Accident test if the same thresholds outlined above are met. This testing will be conducted using non-Federal Drug Testing Custody and Control Testing Forms but will still follow the methods and testing procedures found in 49 CFR Part 40, as amended.

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 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.

6. Testing Procedures

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

Dilute Urine Specimen

If a Pre-Employment test results in a negative dilute test result, Intercity Transit will conduct one additional retest. The result of the second test will be the test of record. If there is a negative dilute test result and the test type was not a Pre-Employment test, Intercity Transit will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

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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. Intercity Transit guarantees that the split specimen test will be conducted in a timely fashion. **If the result of the analysis of the split sample confirms the presence of the drug identified in the primary sample, the employee will be responsible for the cost of the analysis of the second laboratory.**

7. Test Refusals

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

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Intercity Transit.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because they have 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 specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or Intercity Transit.
- (7) Fail to undergo a medical evaluation as required by the MRO or Intercity Transit's Drug and Alcohol Program Manager (DAPM).
- (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 urine drug 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 provided with contact information for SAPs.

8. 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 themselves to Human Resources who will refer the individual to a substance abuse counselor for evaluation and treatment.

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

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

9. Prescription Drug Use

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

10. Contact Person

For questions about Intercity Transit's anti-drug and alcohol misuse program, contact Amy Meierhoff, Sr. Human Resources Analyst and Drug and Alcohol Program Manager.

Appendix A: Covered Positions

Transit Operator / Coach & Van & Extraboard (RVO)

Operations Supervisor (RVC/D)

Transit Instructors (RVC/D)

DAL Dispatch Specialist (RVC/D)

Service Impact Supervisor (RVC/D)

DAL Supervisor (RVC/D)

Mechanics/Technician (RVM)

Support Specialist (RVM)

Chief Safety Officer (RVC/D)

Senior Training and Safety Coordinator (RVC/D)

Service Worker (RVM)

Vehicle Cleaner (RVO)

Advanced Technology and Training Coordinator (RVM)

Appendix B: List of Program Contacts:

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Drug and Alcohol Program Manager (DAPM)	Designated Employer Representative (DER)
Amy Meierhoff, Sr. Human Resources Analyst	Alysia Bair, Human Resources Specialist
510 Pattison Street SE, Olympia, WA 98501	510 Pattison Street SE, Olympia, WA 98501
Agency Cell: 564-233-9292	Agency Cell: 564-233-9187
Secure Fax: 360-252-8206	Secure Fax: 360-252-8206
Email: ameierhoff@intercitytransit.com	Email: abair@intercitytransit.com

TPA Services through DSI Medical
200 Precision Rd, #200-A
Horsham, PA 19044
1-800-770-0531 ext 1729

Medical Review Officer

Dr. Lopez
9501 Northfield Blvd.
Denver, CO 80238
P:877-585-7366, f:855-253-5666

DHHS Certified Laboratory

Quest Diagnostics 400 Egypt Rd Norristown, PA 19403 610-631-4600	Abbot 450 Southlake Blvd Richmond, VA 23236 800-433-3823
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Employee Assistance Program

WA State EAP
1-877-313-4455
Eap.wa.gov

Collection Site Locations

Onsite	Onsite	After Hours Testing
Providence Occupational Clinic 4800 College St SE Lacey, WA 98503 (360) 493-4500 Hours: 8:00 AM – 5:00 PM Monday - Friday	Concentra 3928 Pacific Ave SE Lacey, WA 98503 (360)-455-1350 Hours: 8:00am-5:00pm Monday-Friday	Integrity Drug Screens 253-235-3340

Appendix C: Receipt of Drug and Alcohol Policy

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ACKNOWLEDGMENT OF RECEIPT OF INTERCITY TRANSIT

DRUG AND ALCOHOL POLICY AND TRAINING

Including drug, alcohol, RX and OTC awareness materials
on the effects and consequences of prohibited
drug and alcohol abuse and misuse.

This certification demonstrates Intercity Transit has complied with the requirements of the Drug Free Workplace Act, Omnibus Transportation Employees Testing Act of 1991 and the Department of Transportation/Federal Transit Administration Rules and Regulations.

PLEASE COMPLETE THE FOLLOWING:

I hereby certify I received Intercity Transit's Drug and Alcohol Policy including training and awareness materials on drug, alcohol, RX and OTC effects, abuse and misuse and consequences of prohibited consequences of prohibited drug and alcohol use.

Your signature below acknowledges receipt of policy, training and awareness materials which is required by federal mandate.

Employee Name (Print): _____

Employee Signature: _____

Employee #: _____

Date: _____

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Appendix D: Prescription Medication Notification**Prescription Drug Use Form for Safety Sensitive Employees**

Instructions: As required by Intercity Transit Drug & Alcohol Policy report any prescription medications that may impair your ability to safely perform your job. This includes medications that may cause drowsiness, medications with warnings not to use while driving, and medications with warnings to use with caution while operating machinery. Report new prescriptions and any changes to your prescriptions. Complete the employee section and take the form to your prescribing Health Care Provider. Once completed, submit the original form to the DAPM or DER through confidential fax (Fax: 360-252-8206).

Once received it will be retained in your confidential medical file.

Employee Section:

Employee Name: _____ Job Position: _____

Employee's Safety-Sensitive Job Function – Check those that apply:

- ☐ Operate a transit bus in or out of revenue service
- ☐ Operate a non-revenue service vehicle requiring a commercial driver's license
- ☐ Control the dispatch or movement of transit buses
- ☐ Maintain/repair transit buses

Authorization:

· I understand that my status of a CDL holder and/or safety sensitive position requires me to inform Intercity Transit of any medication I am taking which may cause motor or mental function impairment.

· I also recognize that it is my obligation to inform my physician of my job duties at IT.

Employee Signature _____ Date _____

Health Care Provider Section: *Please print legibly.*

Name of Drug _____

Treatment Start/End Date _____

- ☐ Employee released to perform safety-sensitive duties while taking this medication.
- ☐ Employee may not perform safety-sensitive duties while taking this/these medication(s).
- ☐ Employee should not take during or for hours before duty.

Please note any other restrictions:

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Health Care Provider Section: Please print legibly.

Name of Drug

Treatment Start/End Date

- ☐ Employee released to perform safety-sensitive duties while taking this medication.
- ☐ Employee may not perform safety-sensitive duties while taking this/these medication(s).
- ☐ Employee should not take during or for hours before duty.

Please note any other restrictions:

I have reviewed the above-mentioned employee's current medical condition, and I am familiar with the employee's job duties. This patient is currently under my medical supervision, and this is my best medical opinion

Health Care Provider Signature _____ Date_____

Name and Title