



FRESNO COUNTY RURAL TRANSIT AGENCY

2100 Tulare Street, Suite 619 Fresno, CA 93721

Phone: 559 - 233 - 6789 Fax: 559 - 233 - 9645

Webpage: www.ruraltransit.org Email: jwebster@ruraltransit.org

FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)

AGENDA

DATE: Thursday, April 26, 2007
TIME: Following the 7:00pm Council of Fresno County Governments (COFCG) Meeting
PLACE: COFCG / FCRTA Offices
Sequoia Conference Room
2035 Tulare Street, Suite 201
Fresno, CA 93726
*(Corner of Tulare and Van Ness Ave. - above "Club One"
Park in Underground Garage - Entrance off Tulare & Van Ness Ave.
Exit Elevator on Tulare St., Turn Left, Enter Lobby Door,
Up Elevator to Second Floor, Left to Sequoia Conference Room)*

Americans with Disabilities Act (ADA) Accommodation

The Fresno COG / FCRTA offices and restrooms are ADA accessible. Individuals with disabilities may call Fresno COG (559-233-4148) / FCRTA (559-233-6789) at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG / FCRTA is unable to accommodate an auxiliary aid or translation request for a public hearing after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

ROLL CALL

- I. Public Presentations - This portion of the meeting is reserved for persons wishing to address the FCRTA Board on items within its jurisdiction, but not on this Agenda.

NOTE: The public may also comment on any Agenda item, as they are presented, prior to action by the FCRTA Board.

ACTION ITEMS

- II. Approve "Executive Minutes of March 28, 2007" (Attachment).
- III. Adoption of The FCRTA's Amended Policy for Prohibited Substance Testing Program (Resolution 2007-01 (Attachment)).
- IV. Election of Board of Director Officers (Attachment).

REVIEW AND COMMENT ITEMS

- V. None.

INFORMATIONAL ITEMS

- VI. None.



FRESNO COUNTY RURAL TRANSIT AGENCY
2100 Tulare Street, Suite 619 Fresno, CA 93721
Phone: 559 - 233 - 6789 Fax: 559 - 233 - 9645
Webpage: www.ruraltransit.org Email: jwebster@ruraltransit.org

FRESNO COUNTY RURAL TRANSIT AGENCY

EXECUTIVE MINUTES

Date: Thursday, March 29, 2007
Time: Following the 7:00pm Council of Fresno County Governments Meeting
Place: Sequoia Conference Room
2035 Tulare Street, Suite 201, Fresno, CA 93721

Members Present: Mayor Pro Tem Dennis Lujan, City of Selma, Vice Chairman
Mayor Trish Hill, City of Coalinga
Councilmember Rico Aguayo, City of Fowler
Mayor Ramon Dominguez, City of Huron
Mayor Leland Bergstrom, City of Kingsburg
Mayor Robert Silva, City of Mendota
Councilmember Diana Silva, City of Orange Cove
Mayor Armando Lopez, City of Parlier
Councilmember Scott Brockett, City of Reedley
Mayor Amarpreet Dhaliwal, City of San Joaquin
Mayor Mike Montelongo, City of Sanger
Supervisor Bob Waterston, County of Fresno

Jeffrey D. Webster, General Manager
Kevin Briggs, Legal Counsel
Marla Day, Fresno COG

ROLL CALL

There were seventeen (17) votes from twelve (12) members present; representing a quorum and business was in order.

- I. **Public Presentations** – This portion of the meeting was reserved for persons wishing to address the FCRTA Board on items within its jurisdiction but not on the Agenda.

There were no public presentations.

ACTION ITEMS

- II. **Approve Executive Minutes of February 22, 2007**

Following an expressed opportunity for public comment, a motion was made by Mayor Hill (Coalinga) and seconded by Councilmember Aguayo (Fowler) to approve the February 22, 2007 minutes as written. A vote was called for and the motion carried.

- III. **Acceptance of FCRTA's 2005-06 Fiscal Year Audit Report**

Following an expressed opportunity for public comment, a motion was made by Mayor Bergstrom (Kingsburg) and seconded by Mayor Montelongo (Sanger) to accept FCRTA's 2005-06 Fiscal Year Audit Report. A vote was called for and the motion carried.

REVIEW AND COMMENT ITEMS

IV. Review and Comment on COFCG's "2007 Regional Transportation Plan Draft"

Mr. Webster noted that copies of the 2007 Regional Transportation Plan Draft were sent out on March 13th on CDs to all Committee members for 45 day review. The document will be finalized in May.

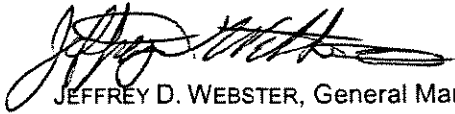
INFORMATIONAL ITEMS

V. None

ADJOURN

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Webster", is written over the printed name.

JEFFREY D. WEBSTER, General Manager
Fresno County Rural Transit Agency

JDW/md



FRESNO COUNTY RURAL TRANSIT AGENCY
2100 Tulare Street, Suite 619 Fresno, CA 93721
Phone: 559 - 233 - 6789 Fax: 559 - 233 - 9645
Webpage: www.ruraltransit.org Email: jwebster@ruraltransit.org

March 26, 2007

MEMORANDUM

TO: FCRTA Board of Directors;
Member Agency;
COFCG / FCRTA Policy Advisory Committee;
COFCG Transportation Technical Committee;
and
The General Public

FROM:  Jeffrey D. Webster, General Manager

SUBJECT: Adoption of the "Fresno County Rural Transit Agency's Amended Policy for Prohibited Substance Testing Program", (Resolution 2007-01).

ACTION SUMMARY

The Fresno County Rural Transit Agency (FCRTA), as a general public transit operator, is mandated by Federal Law to address and comply with prohibited drug and alcohol testing in order to continue to be an eligible recipient of Federal and State funding.

The FCRTA's current "Policy for Prohibited Substance Testing Program" was adopted for implementation purposes on July 19, 2001, in compliance with previous regulations pertaining to small public transit operators. Since that time the regulations have been amended, and require that we amend our policy to reflect the latest regulations.

Attached for your consideration is a copy of FCRTA's Amended "Policy for Prohibited Substance Testing Program". Following adoption, Staff will conduct In-Service Meetings with all FCRTA Associated Employees to explain the program in depth to them to ensure understanding. Each employee will be issued their own personal reference copy of the Policy.

RECOMMENDATION

The General Manager recommends approval of FCRTA's Amended "Policy for Prohibited Substance Testing Program" by adopting Resolution 2007-01.

Fresno County Rural Transit Agency

**Amended
Policy For Prohibited Substance Testing Program**

*Pursuant to
Federal Regulations by the Federal Transit Administration
State Regulations of the Motor Vehicle Code
and
Local FCRTA Policies*

**Proposed Adopted By Resolution 2007-01
on April 26, 2007
by the FCRTA Board of Directors**

DRUG AND ALCOHOL TESTING POLICY
Fresno County Rural Transit Agency
Adopted on April 26, 2007

A. PURPOSE

- 1) The Fresno County Rural Transit Agency provides public transit and paratransit services for the residents of the Rural Fresno County Area. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, the Fresno County Rural Transit Agency declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, 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 positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of the Fresno County Rural Transit Agency and are not provided under the authority of the above named Federal regulations are underlined.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties the Fresno County Rural Transit Agency employees that do not perform safety-sensitive functions are also covered under this policy under the sole authority of the Fresno County Rural Transit Agency. A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the

vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remunerated for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *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 other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

91 *Canceled Test:* A drug test that has been declared invalid by a Medical Review
92 Officer. A canceled test is neither positive nor negative.

93
94 *Covered Employee:* An employee who performs a safety-sensitive function
95 including an applicant or transferee who is being considered for hire into a safety-
96 sensitive function (See Attachment A for a list of covered employees), and other
97 employees, applicants, or transferee that will not perform a safety-sensitive
98 function but falls under the policy of the company's own authority.

99
100 *Designated Employer Representative (DER):* An employee authorized by the
101 employer to take immediate action to remove employees from safety-sensitive
102 duties and to make required decisions in testing. The DER also receives test
103 results and other communications for the employer, consistent with the
104 requirements of 49 CFR Parts 40 and 655.

105
106 *Department of Transportation (DOT):* Department of the federal government
107 which includes the, Federal Transit Administration, Federal Railroad
108 Administration, Federal Highway Administration, Federal Motor Carriers' Safety
109 Administration, Research and Special Programs, and the Office of the Secretary
110 of Transportation.

111
112 *Dilute specimen:* A specimen with creatinine and specific gravity values that are
113 lower than expected for human urine.

114
115 *Disabling damage:* Damage which precludes departure of any vehicle from the
116 scene of the occurrence in its usual manner in daylight after simple repairs.
117 Disabling damage includes damage to vehicles that could have been operated
118 but would have been further damaged if so operated, but does not include
119 damage which can be remedied temporarily at the scene of the occurrence
120 without special tools or parts, tire disablement without other damage even if no
121 spare tire is available, or damage to headlights, taillights, turn signals, horn,
122 mirrors or windshield wipers that makes them inoperative.

123
124 *Evidentiary Breath Testing Device (EBT):* A Device approved by the NHTSA for
125 the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations.
126 Approved devices are listed on the National Highway Traffic Safety
127 Administration (NHTSA) conforming products list.

128
129 *Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of
130 osteopathy) responsible for receiving laboratory results generated by the drug
131 testing program who has knowledge of substance abuse disorders, and has
132 appropriate medical training to interpret and evaluate an individual's confirmed
133 positive test result, together with his/her medical history, and any other relevant
134 bio-medical information.

136 *Negative Dilute:* A drug test result which is negative for the five drug/drug
137 metabolites but has a specific gravity value lower than expected for human urine.

138
139 *Negative test result:* The verified presence of the identified drug or its metabolite
140 below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol
141 concentration of less than 0.02 BAC is a negative test result.

142
143 *Non-negative test result:* A test result found to be adulterated, substitute, invalid,
144 or positive for drug/drug metabolites.

145
146 *Performing (a safety-sensitive function):* A covered employee is considered to be
147 performing a safety-sensitive function and includes any period in which he or she
148 is actually performing, ready to perform, or immediately available to perform such
149 functions.

150
151 *Positive test result:* A verified presence of the identified drug or its metabolite at
152 or above the minimum levels specified in 49 CFR Part 40, as amended. A
153 positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC
154 or greater.

155
156 *Prohibited drug:* Identified as marijuana, cocaine, opiates, amphetamines, or
157 phencyclidine at levels above the minimum thresholds specified in 49 CFR Part
158 40, as amended.

159
160 *Revenue Service Vehicles:* All transit vehicles that are used for passenger
161 transportation service or that require a CDL to operate. Include all ancillary
162 vehicles used in support of the transit system.

163
164 *Safety-sensitive functions:* Employee duties identified as:

- 165 (1) The operation of a transit revenue service vehicle even when the
166 vehicle is not in revenue service.
- 167 (2) The operation of a non-revenue service vehicle by an employee when
168 the operation of such a vehicle requires the driver to hold a
169 Commercial Drivers License (CDL).
- 170 (3) Maintaining a revenue service vehicle or equipment used in revenue
171 service.
- 172 (4) Controlling the movement of a revenue service vehicle and
- 173 (5) Carrying a firearm for security purposes.

174
175 *Substance Abuse Professional (SAP):* A licensed physician (medical doctor or
176 doctor of osteopathy) or licensed or certified psychologist, social worker,
177 employee assistance professional, or addiction counselor (certified by the
178 National Association of Alcoholism and Drug Abuse Counselors Certification
179 Commission or by the International Certification Reciprocity Consortium/Alcohol

and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- (2) Fails to remain at the testing site until the testing process is complete
- (3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Fails or declines to take a second test the employer or collector has directed you to take
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

225
226
227 **D. EDUCATION AND TRAINING**
228

- 229 1) Every covered employee will receive a copy of this policy and will have
230 ready access to the corresponding federal regulations including 49 CFR
231 Parts 655 and 40, as amended. In addition, all covered employees will
232 undergo a minimum of 60 minutes of training on the signs and symptoms
233 of drug use including the effects and consequences of drug use on
234 personal health, safety, and the work environment. The training also
235 includes manifestations and behavioral cues that may indicate prohibited
236 drug use.
237
238 2) All supervisory personnel or company officials who are in a position to
239 determine employee fitness for duty will receive 60 minutes of reasonable
240 suspicion training on the physical, behavioral, and performance indicators
241 of probable drug use and 60 minutes of additional reasonable suspicion
242 training on the physical, behavioral, speech, and performance indicators of
243 probable alcohol misuse. Under the Fresno County Rural Transit
244 Agency's own authority, supervisory personnel will also be trained on how
245 to intervene constructively, and how to effectively integrate an employee
246 back into his/her work group following intervention and/or treatment.
247
248 3) Information on the signs, symptoms, health effects, and consequences of
249 alcohol misuse is presented in Attachment B of this policy.
250

251
252 **E. PROHIBITED SUBSTANCES**
253

- 254 1) Prohibited substances addressed by this policy include the following.
255
256 a. Illegally Used Controlled Substance or Drugs Under the Drug-Free
257 Workplace Act of 1988 any drug or any substance identified in
258 Schedule I through V of Section 202 of the Controlled Substance
259 Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11
260 through 1300.15 is prohibited at all times in the workplace unless a
261 legal prescription has been written for the substance. This
262 includes, but is not limited to: marijuana, amphetamines, opiates,
263 phencyclidine (PCP), and cocaine, as well as any drug not
264 approved for medical use by the U.S. Drug Enforcement
265 Administration or the U.S. Food and Drug Administration. Illegal
266 use includes use of any illegal drug, misuse of legally prescribed
267 drugs, and use of illegally obtained prescription drugs. Also, the
268 medical use of marijuana, or the use of hemp related products, as

which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- a. Legal Drugs: 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 a Fresno County Rural Transit Agency supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- b. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under the Fresno County Rural Transit Agency authority, an alcohol test can be performed any time a covered employee is on duty.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- 2) Each covered employee is 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. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.

- 313 3) The Transit Department shall not permit any covered employee to perform
314 or continue to perform safety-sensitive functions if it has actual knowledge
315 that the employee is using alcohol
316
- 317 4) Each covered employee is prohibited from reporting to work or remaining
318 on duty requiring the performance of safety-sensitive functions while
319 having an alcohol concentration of 0.02 or greater regardless of when the
320 alcohol was consumed.
321
- 322 5) No covered employee shall consume alcohol for eight (8) hours following
323 involvement in an accident or until he/she submits to the post-accident
324 drug/alcohol test, whichever occurs first.
325
- 326 6) No covered employee shall consume alcohol within four (4) hours prior to
327 the performance of safety-sensitive job functions.
328
- 329 7) The Fresno County Rural Transit Agency under its own authority also
330 prohibits the consumption of alcohol all times employee is on duty, or
331 anytime the employee is in uniform.
332
- 333 8) Consistent with the Drug-free Workplace Act of 1988, all Fresno County
334 Rural Transit Agency employees are prohibited from engaging in the
335 unlawful manufacture, distribution, dispensing, possession, or use of
336 prohibited substances in the work place including Transit Department
337 premises and transit vehicles.
338
339

340 **G. DRUG STATUTE CONVICTION**

341
342 Consistent with the Drug Free Workplace Act of 1998, all employees are required
343 to notify the Fresno County Rural Transit Agency management of any criminal
344 drug statute conviction for a violation occurring in the workplace within five days
345 after such conviction. Failure to comply with this provision shall result in
346 disciplinary action as defined in Section Q.10 of this policy.
347
348

349 **H. TESTING REQUIREMENTS**

- 350
351 1) Analytical urine drug testing and breath testing for alcohol will be
352 conducted as required by 49CFR part 40 as amended. All covered
353 employees shall be subject to testing prior to performing safety-sensitive
354 duty, for reasonable suspicion, following an accident, and random as
355 defined in Section K, L, M, and N of this policy, and return to duty/follow-
356 up.
357

- 358 2) All covered employees who have tested positive for drugs or alcohol will
359 be tested prior to returning to duty after completion of the Substance
360 Abuse Professional's recommended treatment program and subsequent
361 release to duty. Follow-up testing will also be conducted following return-
362 to-duty for a period of one to five years, with at least six tests performed
363 during the first year. The duration and frequency of the follow-up testing
364 above the minimum requirements will be at the discretion of the
365 Substance Abuse Professional.
366
- 367 3) A drug test can be performed any time a covered employee is on duty. An
368 alcohol test can be performed just before, during, or after the performance
369 of a safety-sensitive job function. Under the Fresno County Rural Transit
370 Agency authority, an alcohol test can be performed any time a covered
371 employee is on duty.
372
- 373 4) All covered employees will be subject to urine drug testing and breath
374 alcohol testing as a condition of ongoing employment with the Fresno
375 County Rural Transit Agency. Any safety-sensitive employee who refuses
376 to comply with a request for testing shall be removed from duty and
377 subject to discipline as defined in Section Q.3 of this policy. Any covered
378 employee who is suspected of providing false information in connection
379 with a drug test, or who is suspected of falsifying test results through
380 tampering, contamination, adulteration, or substitution will be required to
381 undergo an observed collection. Verification of the above listed actions
382 will be considered a test refusal and will result in the employee's removal
383 from duty and disciplined as defined in Section Q.3 of this policy. Refer to
384 Section C 3 for behavior that constitutes a refusal to test.
385

386 I. DRUG TESTING PROCEDURES

- 387
- 388
- 389 1) Testing shall be conducted in a manner to assure a high degree of
390 accuracy and reliability and using techniques, equipment, and laboratory
391 facilities which have been approved by the U.S. Department of Health and
392 Human Service (HHS). All testing will be conducted consistent with the
393 procedures set forth in 49 CFR Part 40, as amended. The procedures will
394 be performed in a private, confidential manner and every effort will be
395 made to protect the employee, the integrity of the drug testing procedure,
396 and the validity of the test result.
397
- 398 2) The drugs that will be tested for include marijuana, cocaine, opiates,
399 amphetamines, and phencyclidine. After the identity of the donor is
400 checked using picture identification, a urine specimen will be collected
401 using the split specimen collection method described in 49 CFR Part 40,
402 as amended. Each specimen will be accompanied by a DOT Chain of

Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Fresno County Rural Transit Agency Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken.
- 4) If the test is invalid with out a medical explanation, a retest will be conducted under direct observation.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The Fresno County Rural Transit Agency will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample,

448 however the Fresno County Rural Transit Agency will seek reimbursement
449 for the split sample test from the employee.

450
451 6) If the analysis of the split specimen fails to confirm the presence of the
452 drug(s) detected in the primary specimen, if the split specimen is not able
453 to be analyzed, or if the results of the split specimen are not scientifically
454 adequate, the MRO will declare the original test to be canceled and will
455 direct the Fresno County Rural Transit Agency to retest the employee
456 under direct observation.

457
458 7) The split specimen will be stored at the initial laboratory until the analysis
459 of the primary specimen is completed. If the primary specimen is
460 negative, the split will be discarded. If the primary is positive, the split will
461 be retained for testing if so requested by the employee through the
462 Medical Review Officer. If the primary specimen is positive, it will be
463 retained in frozen storage for one year and the split specimen will also be
464 retained for one year.

465
466 8) Observed collections

467
468 a. Consistent with 49 CFR part 40, as amended, collection under
469 direct observation (by a person of the same gender) with no
470 advance notice will occur if:

471
472 i. The laboratory reports to the MRO that a specimen is invalid,
473 and the MRO reports to the Fresno County Rural Transit
474 Agency that there was not an adequate medical explanation
475 for the result; or

476
477 ii. The MRO reports to the Fresno County Rural Transit Agency
478 that the original positive, adulterated, or substituted test
479 result had to be cancelled because the test of the split
480 specimen could not be performed.

481
482 iii. The collector observes materials brought to the collection
483 site or the employee's conduct clearly indicates an attempt to
484 tamper with a specimen or

485
486 iv. The temperature on the original specimen was out of range.

487
488 9) In addition, the Fresno County Rural Transit Agency may direct a
489 collection under direct observation of an employee if the drug test is a
490 return-to-duty test or a follow-up test.

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q.4-5 of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q.9 of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) The Transit Department affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

538 **K. PRE-EMPLOYMENT TESTING**

- 539
- 540 1) All applicants for covered transit positions shall undergo urine drug testing
- 541 and breath alcohol testing prior to performance of a safety-sensitive
- 542 function.
- 543 b. All offers of employment for covered positions shall be extended
- 544 conditional upon the applicant passing a drug and alcohol test test.
- 545 An applicant shall not be placed into a safety -sensitive position
- 546 unless the applicant takes a drug test with verified negative results,
- 547 and an alcohol concentration below 0.02.
- 548
- 549 c. A non-covered employee shall not be placed, transferred or
- 550 promoted into a covered position until the employee takes a drug
- 551 test with verified negative results and an alcohol concentration
- 552 below 0.02.
- 553
- 554 d. If an applicant fails a pre-employment drug or alcohol test, the
- 555 conditional offer of employment shall be rescinded. Failure of a
- 556 pre-employment drug and/or alcohol test will disqualify an applicant
- 557 for employment for a period of at least one year. . The applicant
- 558 must provide the employer proof of having successfully completed
- 559 a referral, evaluation and treatment plan as described in section
- 560 655.62 of subpart G. The cost for the assessment and any
- 561 subsequent treatment will be the sole responsibility of the applicant.
- 562
- 563 e. When an employee being placed, transferred, or promoted from a
- 564 non-covered position to a covered position submits a drug test with
- 565 a verified positive result, and/or an alcohol concentration above
- 566 0.04 the employee shall be subject to disciplinary action in
- 567 accordance with Section Q.4-5 and 9 herein.
- 568
- 569 f. If a pre-employment/pre-transfer test is canceled, the Fresno
- 570 County Rural Transit Agency will require the applicant to take and
- 571 pass another pre-employment drug test.
- 572
- 573 g. In instances where a covered employee is on extended leave for a
- 574 period of 90 days or more regardless of reason, and is not in the
- 575 random testing pool the employee will be required to take a drug
- 576 and alcohol test under 49 CFR Part 655 and have negative test
- 577 results prior to the conduct of safety-sensitive job functions.
- 578
- 579 h. An applicant with a dilute negative test result will be required to
- 580 retest.
- 581

- i. Applicants are required to report previous DOT covered employer drug and alcohol test results—Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer. The applicant must provide the Fresno County Rural Transit Agency proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All the Fresno County Rural Transit Agency covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under the Fresno County Rural Transit Agency's authority, a reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 2) The Fresno County Rural Transit Agency 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 Section Q.4-5 and 9 of 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 Section Q.3 of this policy.
- 3) 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

Fresno County Rural Transit Agency management and shall be attached to the forms reporting the test results.

- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment. The Fresno County Rural Transit Agency shall place the employee on administrative leave in accordance with the provisions set forth under Section Q.9 of this policy. Testing in this circumstance would be performed under the direct authority of the Fresno County Rural Transit Agency. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.9.

M. POST-ACCIDENT TESTING

- 1) All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.
- 2) In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.
 - a. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
 - b. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as

671 practicable, but no longer than eight (8) hours of the accident for
672 alcohol, and within 32 hours for drugs. If an alcohol test is not
673 performed within two hours of the accident, the Supervisor will
674 document the reason(s) for the delay. If the alcohol test is not
675 conducted within (8) eight hours, or the drug test within 32 hours,
676 attempts to conduct the test must cease and the reasons for the
677 failure to test documented.

678
679 c. Any covered employee involved in an accident must refrain from
680 alcohol use for eight (8) hours following the accident, or until he/she
681 undergoes a post-accident alcohol test.

682
683 d. An employee who is subject to post-accident testing who fails to
684 remain readily available for such testing, including notifying a
685 supervisor of his or her location if he or she leaves the scene of the
686 accident prior to submission to such test, may be deemed to have
687 refused to submit to testing.

688
689 e. Nothing in this section shall be construed to require the delay of
690 necessary medical attention for the injured following an accident, or
691 to prohibit an employee from leaving the scene of an accident for
692 the period necessary to obtain assistance in responding to the
693 accident, or to obtain necessary emergency medical care.

694
695 f. In the rare event that the Fresno County Rural Transit Agency is
696 unable to perform an FTA drug and alcohol test (i.e., employee is
697 unconscious, employee is detained by law enforcement agency),
698 the Fresno County Rural Transit Agency may use drug and alcohol
699 post-accident test results administered by local law enforcement
700 officials in lieu of the FTA test. The local law enforcement officials
701 must have independent authority for the test and the employer must
702 obtain the results in conformance with local law.

703 704 705 **N. RANDOM TESTING**

706
707 1) All covered employees will be subjected to random, unannounced testing.
708 The selection of employees shall be made by a scientifically valid method
709 of randomly generating an employee identifier from the appropriate pool of
710 safety-sensitive employees.

711
712 2) The dates for administering unannounced testing of randomly selected
713 employees shall be spread reasonably throughout the calendar year, day
714 of the week and hours of the day.

- 716 3) The number of employees randomly selected for drug/alcohol testing
717 during the calendar year shall be not less than the percentage rates
718 established by Federal regulations for those safety-sensitive employees
719 subject to random testing by Federal regulations. The current random
720 testing rate for drugs established by FTA equals fifty percent of the
721 number of covered employees in the pool and the random testing rate for
722 alcohol established by FTA equals ten percent of the number of covered
723 employees in the pool.
724
- 725 4) Each covered employee shall be in a pool from which the random
726 selection is made. Each covered employee in the pool shall have an
727 equal chance of selection each time the selections are made. Employees
728 will remain in the pool and subject to selection, whether or not the
729 employee has been previously tested. There is no discretion on the part
730 of management in the selection.
731
- 732 5) Covered transit employees that fall under the Federal Transit
733 Administration regulations will be included in one random pool maintained
734 separately from the testing pool of employees that are included solely
735 under the Fresno County Rural Transit Agency authority.
736
- 737 6) Random tests can be conducted at any time during an employee's shift for
738 drug testing. Alcohol random tests can be performed just before, during,
739 or just after the performance of a safety sensitive duty. However, under
740 the Fresno County Rural Transit Agency's authority, a random alcohol test
741 may be performed any time the covered employee is on duty. Testing can
742 occur during the beginning, middle, or end of an employee's shift.
743
- 744 7) Employees are required to proceed immediately to the collection site upon
745 notification of their random selection.
746
747

748 **O. RETURN-TO-DUTY TESTING**

749
750 All covered employees who previously tested positive on a drug or alcohol test or
751 refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or
752 both and be evaluated and released by the Substance Abuse Professional before
753 returning to work. For an initial positive drug test a Return-to-Duty drug test is
754 required and an alcohol test is allowed. For an initial positive alcohol test a
755 Return-to-Duty alcohol test is required and a drug test is allowed. Following the
756 initial assessment, the SAP will recommend a course of rehabilitation unique to
757 the individual. The SAP will recommend the return-to-duty test only when the
758 employee has successfully completed the treatment requirement and is known to
759 be drug and alcohol-free and there are no undo concerns for public safety.
760

761
762 **P. FOLLOW-UP TESTING**
763

764 Covered employees will be required to undergo frequent, unannounced drug
765 and/or alcohol testing following their return-to-duty. The follow-up testing will be
766 performed for a period of one to five years with a minimum of six tests to be
767 performed the first year. The frequency and duration of the follow-up tests
768 (beyond the minimums) will be determined by the SAP reflecting the SAP's
769 assessment of the employee's unique situation and recovery progress. Follow-
770 up testing should be frequent enough to deter and/or detect a relapse. Follow-up
771 testing is separate and in addition to the random, post-accident, reasonable
772 suspicion and return-to-duty testing.
773

774
775 **Q. RESULT OF DRUG/ALCOHOL TEST**
776

- 777 1) Any covered employee that has a verified positive drug or alcohol test will
778 be removed from his/her safety-sensitive position, informed of educational
779 and rehabilitation programs available, and referred to a Substance Abuse
780 Professional (SAP) for assessment. No employee will be allowed to return
781 to duty requiring the performance of safety-sensitive job functions without
782 the approval of the SAP and the employer.
783
- 784 2) A drug test with the result of negative dilute will/will not be retested.
785
- 786 3) A positive drug and/or alcohol test will also result in disciplinary action as
787 specified herein.
788
- 789 a. As soon as practicable after receiving notice of a verified
790 positive drug test result, a confirmed alcohol test result, or a test
791 refusal, the Fresno County Rural Transit Agency Drug and
792 Alcohol Program Manager will contact the employee's
793 supervisor to have the employee cease performing any safety-
794 sensitive function.
- 795 b. The employee shall be referred to a Substance Abuse
796 Professional for an assessment. The SAP will evaluate each
797 employee to determine what assistance, if any, the employee
798 needs in resolving problems associated with prohibited drug use
799 or alcohol misuse.
- 800 c. Refusal to submit to a drug/alcohol test shall be considered a
801 positive test result and a direct act of insubordination and shall
802 result in termination. A test refusal includes the following
803 circumstances:

- 804 (1) A covered employee who consumes alcohol within eight
805 (8) hours following involvement in an accident without
806 first having submitted to post-accident drug/alcohol tests.
- 807 (2) A covered employee who leaves the scene of an
808 accident without a legitimate explanation prior to
809 submission to drug/alcohol tests.
- 810 (3) A covered employee who provides false information in
811 connection with a drug test.
- 812 (4) A covered employee who provides an insufficient volume
813 of urine specimen or breath sample without a valid
814 medical explanation. The medical evaluation shall take
815 place within 5 days of the initial test attempt
- 816 (5) A verbal or written declaration, obstructive behavior, or
817 physical absence resulting in the inability to conduct the
818 test within the specified time frame.
- 819 (6) A covered employee whose urine sample has been
820 verified by the MRO as substitute or adulterated.
- 821 (7) A covered employee fails to appear for any test within a
822 reasonable time, as determined by the employer, after
823 being directed to do so by the employer
- 824 (8) A covered employee fails to remain at the testing site
825 until the testing process is complete;
- 826 (9) A covered employee fails to provide a urine specimen for
827 any drug test required by Part 40 or DOT agency
828 regulations;
- 829 (10) A covered employee fails to permit the observation or
830 monitoring of a specimen collection
- 831 (11) A covered employee fails or declines to take a second
832 test the employer or collector has directed you to take;
- 833 (12) A covered employee fails to undergo a medical
834 examination or evaluation, as directed by the MRO as
835 part of the verification process, or as directed by the DER
836 as part of the "shy bladder" or "shy lung" procedures
- 837 (13) A covered employee fails to cooperate with any part of
838 the testing process (e.g., refuse to empty pockets when
839 so directed by the collector, behave in a confrontational
840 way that disrupts the collection process).
- 841 (14) Failure to sign Step 2 of the Alcohol Testing form
- 842
- 843 4) For the first instance of a verified positive test from a sample submitted as
844 the result of a random, drug/alcohol test (≥ 0.04 BAC), disciplinary action
845 against the employee shall include:
- 846 a. Mandatory referral to Substance Abuse Professional for
847 assessment, formulation of a treatment plan, and execution of a
848 return to work agreement;

- 849 b. Failure to execute, or remain compliant with the return-to-work
850 agreement shall result in termination from the Fresno County Rural
851 Transit Agency employment.
- 852 i. Compliance with the return-to-work agreement means that
853 the employee has submitted to a drug/alcohol test
854 immediately prior to returning to work; the result of that test
855 is negative; in the judgment of the SAP the employee is
856 cooperating with his/her SAP recommended treatment
857 program; and, the employee has agreed to periodic
858 unannounced follow-up testing as defined in Section P of
859 this policy.
- 860 c. Refusal to submit to a periodic unannounced follow-up drug/alcohol
861 test shall be considered a direct act of insubordination and shall
862 result in termination.
- 863 d. A periodic unannounced follow-up drug/alcohol test which results in
864 a verified positive shall result in termination from the Fresno County
865 Rural Transit Agency employment.
- 866
- 867 5) The second instance of a verified positive drug or alcohol (≥ 0.04 BAC)
868 test result including a sample submitted under the random, reasonable
869 suspicion, return-to-duty, or follow-up drug/alcohol test provisions herein
870 shall result in termination from the Fresno County Rural Transit Agency
871 employment.
- 872
- 873 6) A verified positive post-accident, or reasonable suspicion drug and/or
874 alcohol (≥ 0.04) test shall result in termination.
- 875
- 876 7) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of
877 the employee from duty for eight hours or the remainder of the work day
878 whichever is longer. The employee will not be allowed to return to safety-
879 sensitive duty for his/her next shift until he/she submits to an alcohol test
880 with a result of less than 0.02 BAC. If the employee has an alcohol test
881 result of ≥ 0.02 to ≤ 0.039 two or more times within a six month period, the
882 employee will be removed from duty and referred to the SAP for
883 assessment and treatment consistent with Section Q.9 of this policy.
- 884
- 885 8) The cost of any treatment or rehabilitation services will be paid directly by
886 the employee or their insurance provider. The employee will be permitted
887 to take accrued sick leave or administrative leave to participate in the SAP
888 prescribed treatment program. If the employee has insufficient accrued
889 leave, the employee shall be placed on leave without pay until the SAP
890 has determined that the employee has successfully completed the
891 required treatment program and releases him/her to return-to-duty. Any
892 leave taken, either paid or unpaid, shall be considered leave taken under
893 the Family and Medical Leave Act.

894
895 9) In the instance of a self-referral or a management referral, disciplinary
896 action against the employee shall include:

- 897
898 a. Mandatory referral to a Substance Abuse Professional for
899 assessment, formulation of a treatment plan, and execution of a
900 return to work agreement;
901 b. Failure to execute, or remain compliant with the return-to-work
902 agreement shall result in termination from the Fresno County Rural
903 Transit Agency employment.
904 i. Compliance with the return-to-work agreement means that
905 the employee has submitted to a drug/alcohol test
906 immediately prior to returning to work; the result of that test
907 is negative; in the judgment of the SAP the employee is
908 cooperating with his/her SAP recommended treatment
909 program; and, the employee has agreed to periodic
910 unannounced follow-up testing as defined in Section P of
911 this policy.
912 c. Refusal to submit to a periodic unannounced follow-up drug/alcohol
913 test shall be considered a direct act of insubordination and shall
914 result in termination.
915 d. A self-referral or management referral to the SAP that was not
916 precipitated by a positive test result does not constitute a violation
917 of the Federal regulations and will not be considered as a positive
918 test result in relation to the progressive discipline defined in Section
919 Q.4-5 of this policy.
920 e. Periodic unannounced follow-up drug/alcohol test conducted as a
921 result of a self-referral or management referral which results in a
922 verified positive shall be considered a positive test result in relation
923 to the progressive discipline defined in Section Q.4-5 of this policy.
924 f. A Voluntary Referral does not shield an employee from disciplinary
925 action or guarantee employment with the Fresno County Rural
926 Transit Agency.
927 g. A Voluntary Referral does not shield an employee from the
928 requirement to comply with drug and alcohol testing.

929
930 10) Failure of an employee to report within five days a criminal drug statute
931 conviction for a violation occurring in the workplace shall result in
932 termination.
933
934
935
936
937
938

939 **R. GRIEVANCE AND APPEAL**

940
941 The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test
942 refusal is not subject to arbitration.

943
944
945 **S. PROPER APPLICATION OF THE POLICY**

946
947 The Fresno County Rural Transit Agency is dedicated to assuring fair and
948 equitable application of this substance abuse policy. Therefore,
949 supervisors/managers are required to use and apply all aspects of this policy in
950 an unbiased and impartial manner. Any supervisor/manager who knowingly
951 disregards the requirements of this policy, or who is found to deliberately misuse
952 the policy in regard to subordinates, shall be subject to disciplinary action, up to
953 and including termination.

954
955
956 **T. INFORMATION DISCLOSURE**

- 957
958 1) Drug/alcohol testing records shall be maintained by the Fresno County
959 Rural Transit Agency Drug and Alcohol Program Manager and, except as
960 provided below or by law, the results of any drug/alcohol test shall not be
961 disclosed without express written consent of the tested employee.
962
963 2) The employee, upon written request, is entitled to obtain copies of any
964 records pertaining to their use of prohibited drugs or misuse of alcohol
965 including any drug or alcohol testing records. Covered employees have
966 the right to gain access to any pertinent records such as equipment
967 calibration records, and records of laboratory certifications. Employees
968 may not have access to SAP referrals and follow-up testing plans.
969
970 3) Records of a verified positive drug/alcohol test result shall be released to
971 the Drug and Alcohol Program Manager, Department Supervisor and
972 Personnel Manager on a need to know basis.
973
974 4) Records will be released to a subsequent employer only upon receipt of a
975 written request from the employee.
976
977 5) Records of an employee's drug/alcohol tests shall be released to the
978 adjudicator in a grievance, lawsuit, or other proceeding initiated by or on
979 behalf of the tested individual arising from the results of the drug/alcohol
980 test. The records will be released to the decision maker in the preceding.
981 The information will only be released with binding stipulation from the
982 decision maker will make it available only to parties in the preceding.

983 Records will be released to the National Transportation Safety Board
984 during an accident investigation.

- 985
- 986 6) Information will be released in a criminal or civil action resulting from an
987 employee's performance of safety-sensitive duties, in which a court of
988 competent jurisdiction determines that the drug or alcohol test information
989 is relevant to the case and issues an order to the employer to release the
990 information. The employer will release the information to the decision
991 maker in the proceeding with a binding stipulation that it will only be
992 released to parties of the proceeding.
- 993
- 994 7) Records will be released to the DOT or any DOT agency with regulatory
995 authority over the employer or any of its employees.
- 996
- 997 8) Records will be released if requested by a Federal, state or local safety
998 agency with regulatory authority over the Fresno County Rural Transit
999 Agency or the employee.
- 1000
- 1001 9) If a party seeks a court order to release a specimen or part of a specimen
1002 contrary to any provision of Part 40 as amended necessary legal steps to
1003 contest the issuance of the order will be taken
- 1004
- 1005 10) In cases of a contractor or sub-recipient of a state department of
1006 transportation, records will be released when requested by such agencies
1007 that must certify compliance with the regulation to the FTA.
- 1008

1009

1010

1011 This Policy was adopted by the Fresno County Rural Transit Agency's Board of
1012 Directors on April 26, 2007.

1013

1014

1015

1016 *Attest: Jeffrey D. Webster, General Manager*
1017 *Fresno County Rural Transit Agency*
1018 *April 26, 2007 – Resolution 2007-01*

SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

The Fresno County Rural Transit Agency's Drug and Alcohol Program Manager

Name: Jeffrey D. Webster

Title: General Manager

Address: 2035 Tulare Street, Suite 201; Fresno, CA 93721

Telephone Number: 559-233-6789 Fax Number: 559-233-9645

Drug and Alcohol Program – Third Party Administrator

Name: Jill Craig

Title: President / Owner / Third Party Administrator

Address: DrugTech Toxicology Service LLC; PO Box 156; Ahwahnee, CA 93601

Telephone: 800-362-0614 Fax Number: 209-966-6453

Medical Review Officer

Name: Dr. W.N. Mansour, MD

Title: Medical Doctor, Medical Review Officer

Address: ISSI 810 Broadman – Canfield Road; Boardman, OH 44515

Telephone Number: 330-925-2500 Fax Number: 330-965-2501

Substance Abuse Professional

Name: Pam Hawkins,

Title: Substance Abuse Professional (SAP), ICRC / AODA

Address: Oakhurst Counseling Center; 49774 Road 426; Suite "D"; Oakhurst, CA 93644

Telephone Number: 559-683-4809 or 800-359-6939

HHS Certified Laboratory Primary Specimen

Name: Advanced Toxicology Network

Address: 3560 Air Center Cove, Suite 101; Memphis, TN 38118

Telephone Number: 888-290-1150 Fax Number: 901-794-6460

HHS Certified Laboratory Split Specimen

Name: Medtox Laboratories, Inc.

Address: 402 West County Road; St. Paul, MN 55112

Telephone Number: 800-832-3244 Fax Number: 651-636-8284

Attachment A

—Covered “Safety-Sensitive” Classifications

1065
1066
1067
1068
1069
1070
1071
1072
1073
1074

Title

Transit Supervisor / Coordinator
Driver
Dispatcher
Mechanic

Testing Authority

FTA
FTA
FTA
FTA

Attachment B
Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- . Dulled mental processes
- . Lack of coordination
- . Odor of alcohol on breath
- . Possible constricted pupils
- . Sleepy or stuporous condition
- . Slowed reaction rate
- . Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

☐ **Health Effects**

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- . Decreased sexual functioning
- . Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- . Fatal liver diseases
- . Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- . Kidney disease
- . Pancreatitis
- . Spontaneous abortion and neonatal mortality
- . Ulcers
- . Birth defects (up to 54 percent of all birth defects are alcohol related).

☐ **Social Issues**

1119 . Two-thirds of all homicides are committed by people who drink prior to
1120 the crime.
1121 . Two to three percent of the driving population is legally drunk at any
1122 one time. This rate is doubled at night and on weekends.
1123 . Two-thirds of all Americans will be involved in an alcohol-related
1124 vehicle accident during their lifetimes.
1125 . The rate of separation and divorce in families with alcohol dependency
1126 problems is 7 times the average.
1127 . Forty percent of family court cases are alcohol problem related.
1128 . Alcoholics are 15 times more likely to commit suicide than are other
1129 segments of the population.
1130 . More than 60 percent of burns, 40 percent of falls, 69 percent of
1131 boating accidents, and 76 percent of private aircraft accidents are
1132 alcohol related.
1133

1134 ☐ The Annual Toll

1135
1136 . 24,000 people will die on the highway due to the legally impaired
1137 driver.
1138 . 12,000 more will die on the highway due to the alcohol-affected driver.
1139 . 15,800 will die in non-highway accidents.
1140 . 30,000 will die due to alcohol-caused liver disease.
1141 . 10,000 will die due to alcohol-induced brain disease or suicide.
1142 . Up to another 125,000 will die due to alcohol-related conditions or
1143 accidents.
1144

1145 ☐ Workplace Issues

1146
1147 . It takes one hour for the average person (150 pounds) to process one
1148 serving of an alcoholic beverage from the body.
1149 . Impairment in coordination and judgement can be objectively
1150 measured with as little as two drinks in the body.
1151 . A person who is legally intoxicated is 6 times more likely to have an
1152 accident than a sober person.
1153
1154
1155

1156
1157
1158

Attachment C
Minimum Thresholds

INITIAL TEST CUTOFF LEVELS
(ng/ml)

Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

1159
1160
1161

CONFIRMATORY TEST
CUT/OFF LEVELS (ng/ml)

Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

1162
1163
1164
1165
1166

BEFORE THE
FRESNO COUNTY RURAL TRANSIT AGENCY
RESOLUTION NO. 2007-01

In the Matter of:)
Drugs and Alcohol Testing)

RESOLUTION ADOPTING THE
AMENDED POLICY FOR PROHIBITED
SUBSTANCE ABUSE TESTING

WHEREAS, the Fresno County Rural Transit Agency (FCRTA) has prepared an amended comprehensive Policy for Prohibited Substance Abuse Testing to respond to the latest Federal Mandates through the Federal Transit Administration (FTA) for and in behalf of the United States Department of Transportation (USDOT); and

WHEREAS, the Laws and subsequent regulations may be referenced as 49 Code of Federal Regulations (CFR) as Part 655, as amended, and Part 40, as amended that sets revised standards for the collection and testing of urine and breath specimens; and

WHEREAS, Staff has worked diligently with the Staffs of the Federal Transit Administration (FTA), the California Department of Transportation (CalTrans), the Staff of the California Association for Coordinated Transportation (CalACT) through the implementation of the Rural Transit Assistance Program (RTAP) to facilitate nationally recognized Consultants to assist us in responding to recent changes in the regulations; and

WHEREAS, Staff has prepared comprehensive changes to amend our previously adopted July 19, 2001 Policy for Prohibited Substance Testing Program; and

WHEREAS, said document is to be approved by the Board of Directors, following an expressed opportunity for public comment.

NOW, THEREFORE BE IT RESOLVED, that the Fresno County Rural Transit Agency does hereby adopt amendments to its updated Policy for Prohibited Substance Testing Program.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno County Rural Transit Agency this 26th day of April, 2007.

(RESOLUTION NO. 2007-01, Continued)

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed: Trinidad Rodriguez, Chairman

I hereby certify that the foregoing
is a true copy of a resolution of
the Fresno County Rural Transit
Agency duly adopted at a meeting
thereof held on the 26th day of
April, 2007.

Signed: Jeffrey D. Webster, General Manager



FRESNO COUNTY RURAL TRANSIT AGENCY
2100 Tulare Street, Suite 619 Fresno, CA 93721
Phone: 559 - 233 - 6789 Fax: 559 - 233 - 9645
Webpage: www.ruraltransit.org Email: jwebster@ruraltransit.org

April 1, 2007

MEMORANDUM

TO: FCRTA Board of Directors and
The General Public

FROM:  Jeffrey D. Webster, General Manager

SUBJECT: Election of Board of Director Officers.

ACTION SUMMARY

The Joint Powers Agreement and previous Board action have determined that FCRTA Board leadership elections are to be considered every two (2) (odd) years during the month of April. Our next regular election would therefore be scheduled for the April 26, 2007 Board Meeting.

Staff wishes to indicate that the selected individuals shall be responsible for co-signing FCRTA warrants on a periodic and emergency basis, and therefore should be accessible by staff during normal work hours.

Currently, Trinidad Rodriguez, Mayor Pro Tem of Kerman serves as Chairman and Dennis Lujan, Mayor Pro Tem serves as Vice-Chairman.

RECOMMENDATION

The General Manager recommends that the Board of Directors consider the opportunity to select a Chairman and Vice Chairman.

