

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

**COMPREHENSIVE ALCOHOL  
AND  
DRUG ABUSE POLICY**

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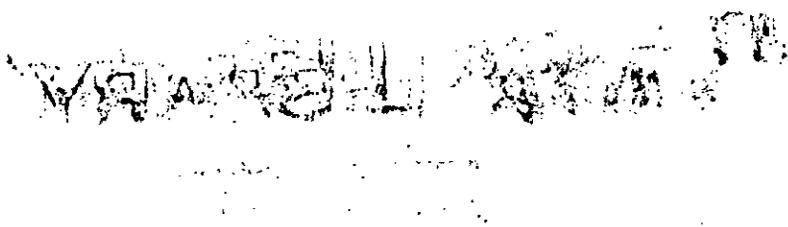
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**COMPREHENSIVE ALCOHOL  
AND  
DRUG ABUSE POLICY**

**EFFECTIVE DECEMBER 21, 1989**

**Southern California Rapid Transit District  
425 South Main Street, Los Angeles, CA 90013**



## POLICY SUMMARY

Employees shall not report to work with alcohol or drugs in their systems or the odor of alcohol on their breath, or possess or utilize such substances while they are on duty or subject to duty. In order to maintain a drug free workplace, employees shall not use without prescription, possess, manufacture, sell or distribute controlled substances in the workplace.

This Policy applies to all employees, including those employees represented by unions, non-contract employees, and all temporary and as-needed employees. Any employee violating this policy is subject to discharge.

Department heads are responsible for communicating the policy to their employees. Employees at all levels are responsible for reading, understanding, and adhering to the policy.

Managers and supervisors at all levels will be held strictly accountable for consistent enforcement of the policy.

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**COMPREHENSIVE ALCOHOL  
AND  
DRUG ABUSE POLICY**

**SECTION 1.0  
INTRODUCTION**

## COMPREHENSIVE DRUG AND ALCOHOL POLICY

### 1.0 INTRODUCTION

There is no single greater potential threat to the future of the District and society in general, than that posed by drug and alcohol abuse. Increasing drug use among society members is rapidly becoming the most serious problem of the twentieth century. Not only is drug abuse very costly, it causes such changes in behavior among users that the safety of the workplace and the ability of workers to properly carry out their responsibilities and duties are severely threatened.

The District must have a drug and alcohol free environment for its employees and the approximately 1.5 million people it carries each day. It was in this context that the District, working with the leadership of its unions and the policy makers in the larger community, first developed a sound, consistent Alcohol and Drug Abuse Policy in 1985, with revisions in 1986. When incident-based drug and alcohol testing was first implemented in 1985, 20.5% of the tests were positive. By 1989 the percentage of positive tests dropped to between two and three percent.

The Drug-free Workplace Act enacted by the Federal government in 1988, and the Guidelines for Control of Drug Use in Mass Transportation Operations, issued by the Urban Mass Transportation Administration in 1988, required additions to this policy to foster a sober and drug free workforce, in which employees do not manufacture, sell, distribute, possess, or use drugs without a prescription. The impairing effects of drugs and the substantial risks to public safety by transit personnel who use drugs underlie the compelling governmental interest in requiring drug testing of transit workers.

The Policy emphasizes deterrence from use of drugs and abuse of alcohol by employees as its first element. Its second element is detection, if persons cannot be deterred from use of drugs and abuse of alcohol. Its third element is rehabilitation from use and abuse, which is of critical importance in making the Policy work in the real world. Finally, the Policy has a detailed enforcement element which is absolutely essential if deterrence, detection, and rehabilitation are to be successful.

To get the drug free environment to which every transit rider, citizen, and employee of the District is entitled will require the best efforts of employees, management, and labor union leadership.

**SECTION 2.0**  
**PURPOSE**

## 2.0 PURPOSE

The District must have a drug and alcohol free environment to protect the health and safety of the public and District employees.

The purpose of this Policy is to provide specific guidelines for employees and management as to (1) deterrence from use of drugs and abuse of alcohol; (2) detection of users; (3) rehabilitation of users; and (4) the procedures and standards for enforcement of the policy including the responsibilities of managers and employees.

**SECTION 3.0**  
**DEFINITIONS**

### 3.0 DEFINITIONS

For purposes of this Alcohol and Drug Policy, the following definitions of terms apply.

1. Absence - Time away from work of one hour or more, excluding approved vacation, holidays, bereavement leave, military leave, jury duty and occupational injuries.
2. Alcohol Abuse - Occurs when an employee arrives at the work site with alcohol in his/her system, the odor of alcohol on his/her breath, or consumes a beverage containing alcohol while on duty or subject to duty, during coffee and/or lunch breaks, or is late to work or absent from work due to the consumption of alcohol.
3. Controlled Substance - Any drugs that are classified by the Drug Enforcement Administration (DEA) into the five schedules or classes on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision. A drug in any of these schedules identifies that it is "controlled" and determines the nature of supervisory control that must be exercised. Prescriptions for drugs in all these controlled schedules must bear the physician's DEA license number.
4. Cut - An absence of less than an hour at the end of the work shift. Two cuts equal one instance of absence. (see Absence)
5. Discharge Proceeding - A disciplinary step requiring written charges and a formal hearing. It follows guidelines set by District policy and practice and/or labor/management agreement.
6. Drug Use - Use of a prescribed medication or controlled substance.
7. Extended Leave - An absence from work of thirty calendar days or more by an employee because of illness or injury.
8. Formal Hearing/Review - Part of a discharge proceeding convened to consider the accuracy of allegations regarding the performance of an employee who has been charged with a violation of this Policy.
9. Incident - A single event or occurrence which triggers a drug and alcohol test, as defined in this

Policy.

10. Missout - A failure to report for assignment at the scheduled time. If inability to report is because of illness, and the employee calls in at least 40 minutes prior to his/her scheduled work time, it will not be charged as a missout.
11. Off Duty - The status of an employee who is not required to report to work.
12. On Duty - The status of an employee who is working. Any time the employee is not fully and completely released from work.
13. Pattern - Any behavior that is so routine as to become generally predictable.
14. Periodic Testing - Unannounced drug and alcohol tests given to employees who have returned to duty after management referral to EAP.
15. Positive Alcohol Test - Any breath, urine or blood that is chemically tested (screened) and shows the presence of alcohol.
16. Positive Drug Test - Any urine or blood that is chemically tested (screened), and shows the presence of controlled substances.
17. Random Drug/Alcohol Test - Drug and alcohol testing conducted on an unannounced basis using a scientifically valid random number generation method. Each [covered] employee shall have an equal chance of selection and shall remain in the pool from which random selection is made, even after being tested.
18. Return to Work - The status of an employee who: is released from medical care by his/her treating physician after an extended leave; is reinstated to employment; or has been off work as a mandatory participant in EAP.
19. Safety Sensitive Employee - An employee whose duties are related to the safe operation of mass transportation service, including but not limited to, operation of a revenue service vehicle, controlling dispatch or movement of a revenue service vehicle, maintaining revenue service vehicles or equipment used in revenue service, providing security, or supervising an employee who performs such functions. Supervision of safety sensitive employees shall extend all the way up the chain of command to the General Manager.

20. Subject to Duty - The status of an employee who is scheduled to report for work at an assigned time and who has not been finally and completely released from the responsibility of performing further work that day. Subject to duty also means any employee who is responsible for being available to perform work on an emergency basis when called to do so, (i.e., in an "on call" status) if said employee is guaranteed extra compensation because of his/her status as being "on call". An employee who is simply responsible for responding if available, when said employee is not within either definition above, is not considered to be "subject to duty" for the purposes of this Policy.
21. Tardy - An absence of less than an hour at the beginning of the work shift. Two tardies equal one instance of absence.
22. Use - The presence of drugs or alcohol in the body.

**SECTION 4.0**  
**ELEMENTS OF THE POLICY**

## **4.0 ELEMENTS OF THE POLICY**

### **4.1 DETERRENCE**

The first element of the Policy is deterrence. This means that the District, its employees, management, and policy makers shall do everything within their power to discourage the use of drugs and alcohol. Deterrence means educating and informing employees that it is not in their interests to be or become a user of drugs or an abuser of alcohol.

### **4.2 DETECTION**

The second element of the Policy is detection. This means that the District, through its employees and management, shall do everything appropriate to identify and detect users of drugs and abusers of alcohol. There are a number of ways detection is to be accomplished under this Policy, the most important of which is self or user identification, which will lead directly to a specific rehabilitation program. Other means of detection include union, management, and peer identification, incident based testing, random testing, and periodic testing. Other state of the art methods available to detect possible users may be employed.

### **4.3 REHABILITATION**

The third element in the Policy is rehabilitation. This means that users of drugs and abusers of alcohol must be encouraged to make every effort to overcome the abuse and addiction that comes from use. Successful rehabilitation hinges upon users rehabilitating themselves, with the assistance of outside professionals. The District, working with the leadership of its labor unions, has established a comprehensive Employee Assistance Program (EAP) for employees who have problems with use of drugs and alcohol. The EAP is the vehicle or means for rehabilitation. Employees of the District who have a problem with drug or alcohol use are strongly encouraged to go to the EAP on their own, voluntarily. [For confidential assistance from EAP, employees may call 1-(800) 221-0942.]

#### **4.4 ENFORCEMENT**

The final element of the Policy is enforcement. It is the responsibility of all employees to insure that the specific procedures contained in the policy are carried out and the standards of performance in the Policy are met by every District employee. Enforcement of the Policy must occur when deterrence fails and when rehabilitation of the users of drugs and alcohol does not occur.

Each of the elements of the comprehensive policy --deterrence, detection, rehabilitation, and enforcement -- is detailed further in later paragraphs. These four elements together form the basis for insuring that a drug free environment can and will be created and sustained in the District.

**SECTION 5.0**  
**GENERAL POLICY PROVISIONS FOR AN**  
**ALCOHOL AND DRUG FREE ENVIRONMENT**

## **5.0 GENERAL POLICY PROVISIONS FOR ALCOHOL AND DRUG FREE ENVIRONMENT**

### **5.1 POLICY STATEMENT**

Employees shall not report to work with alcohol or drugs in their systems or the odor of alcohol on their breath, or possess or utilize such substances while they are on duty or subject to duty. In order to maintain a drug free workplace, employees shall not use, possess, manufacture, sell or distribute controlled substances in the workplace.

This Policy applies to all employees, including those employees represented by unions, non-contract employees, and all temporary and as-needed employees.

Department heads are responsible for communicating the policy to their employees. Employees at all levels are responsible for ensuring adherence to the Policy.

Managers and supervisors at all levels will be held strictly accountable for consistent enforcement of the Policy.

### **5.2 DETERRENCE OF EMPLOYEES FROM USE OF DRUGS & ALCOHOL**

Educational programs will be provided by the District. Said programs may include distribution of the comprehensive policy to all employees, discussions with employees about the problems of drug and alcohol abuse, posting of signs and information, and establishment of employee committees to assist in the dissemination of information and the awareness of employees.

### **5.3 DETECTION OF EMPLOYEES USE OF DRUGS AND ALCOHOL**

#### **5.3.1 SELF IDENTIFICATION**

Employees who are users are encouraged to identify and detect their problems and to enter the Employee Assistance Program (EAP). Voluntary enrollment in EAP does not excuse or exempt an employee from discipline if s/he has drugs or alcohol in his/her system while on duty. Supervisors shall not refer employees to EAP in lieu of discipline, except as provided for in Section 6.4.2.

#### **5.3.2 DISTRICT DETECTION**

The District shall require employees to take a drug and alcohol test following accidents, events, or occurrences as provided for in Section 6.3.1 of this Policy. Furthermore, all District employees in safety sensitive classifications are subject to drug and alcohol testing on an unannounced and random basis. In accordance with applicable federal and state laws the District may search persons, personal property, lockers, and vehicles located on all District owned, leased, or operated property.

### **5.4 REHABILITATION OF EMPLOYEES**

Rehabilitation of individual employees from drug use or alcohol abuse is important to the District. Accordingly, the District, in cooperation with its unions, has established an Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for a range of problems including alcohol or substance abuse. Employees who have job performance problems or other personal problems, such as poor attendance, tardiness, garnishments, alcohol, or substance abuse, may also be referred to EAP by supervisors.

There are three ways to begin rehabilitation through the EAP. The first is for an employee to voluntarily seek help. District management is not involved in the rehabilitation. The second is for management to refer an employee for any problems impacting job performance. The third is to send the employee when

marijuana use is detected, instead of initiating formal disciplinary proceedings, as provided for in Section 6.4.2 of this Policy.

## **5.5 ENFORCEMENT OF THE POLICY**

All managers and supervisors are responsible for enforcement of this Policy.

An employee will be subject to discharge proceedings if:

1. An alcohol or drug test performed when she/he is on duty or subject to duty is positive for alcohol or a controlled substance for which the employee does not possess a valid prescription; or
2. An alcohol or drug test performed off duty (resulting from an incident on duty) which is positive for alcohol or a controlled substance for which the employee does not possess a valid prescription; or
3. The employee uses, manufactures, distributes, sells, or possesses controlled substances on property or in equipment owned, leased, or operated by the District.

Violations of this Policy shall be grounds for discharge proceedings, except as provided for in Section 6.4.2. Refusal to submit immediately to a drug and alcohol analysis at a District-authorized medical clinic when ordered by a District supervisor, manager, or law enforcement personnel shall be grounds for discharge for insubordination and gross misconduct. Such refusal shall be considered an admission of guilt.

**SECTION 6.0**  
**STANDARDS FOR IMPLEMENTATION**  
**OF THE POLICY**

## **6.0 STANDARDS FOR IMPLEMENTATION OF THE POLICY**

### **6.1 APPLICATION OF POLICY**

This Policy applies to all employees. If a conflict occurs between the implementation of this policy and any current collective bargaining agreement, the collective bargaining agreement shall prevail. Nothing in this Policy supercedes more stringent work rules adopted by individual departments. Each employee shall receive and sign for a copy of this Policy.

### **6.2 EMPLOYEE RESPONSIBILITIES**

As a condition of employment, an employee must:

1. be able to perform his/her job duties without impairment due to use of alcohol or a controlled substance when on duty or subject to duty.
2. report to work without alcohol or drugs in his/her system, and without the odor of alcohol on his/her breath. Further, an employee must not possess or utilize such substances while the employee is on duty or subject to duty, or have his/her ability to work impaired as a result of either the on duty or off duty use of alcohol or drugs.
3. submit immediately to an alcohol and controlled substance test at a District authorized medical clinic when ordered by a District supervisor, manager, or law enforcement personnel.
4. notify his/her department or division manager when taking any medications which may interfere with the safe and effective performance of duties or operation of District equipment.
5. provide, within forty-eight hours of order, proof of a current valid prescription for any controlled substances identified when a drug test is positive. The prescription must be in the employee's name and dated prior to the test.

6. promptly notify his/her immediate supervisor when he/she observes or has knowledge of another employee:
  - a) using, possessing, manufacturing, distributing, or selling drugs at work, or
  - b) in a condition which impairs his/her ability to perform job duties or which poses a hazard to the safety or welfare of others.
7. not use without prescription, possess, manufacture, sell or distribute controlled substances in the workplace.
8. notify his/her supervisor of any criminal drug statute conviction he/she receives for a violation occurring in the workplace, no later than five days after such a conviction.

## **6.3 MANAGEMENT RESPONSIBILITIES**

### **6.3.1 REQUIRED ACTIONS**

Managers and supervisors are responsible for enforcement of this Policy. The supervisor shall send any employee for an alcohol and controlled substance test after an employee is involved in any event, altercation, or accident as described below:

#### **1. Accidents:**

(a) A fatal accident.

(b) Any accident where an individual is injured by a bus or other District owned or operated vehicle or equipment, and is transported by ambulance to the hospital.

(c) Any collision involving the operator of a District owned or operated vehicle or equipment where the total property damage from the accident exceeds \$1,000.

(d) Any accident or incident which may have been caused by employee negligence on facilities owned, leased, or operated by the District, regardless of whether the employee is on duty or off duty.

2. When traumatic injuries may have been caused by negligence and require medical treatment. Both the employee who caused the injury and the employee who has been injured, where more than one employee is involved, shall be tested.
3. A physical altercation between two or more employees. In such cases all employees involved shall be tested. When one or more employees is attempting to restrain those involved in the altercation, or police or security officers are performing their official duties, they shall not be tested.
4. An employee shall be tested when two supervisors can articulate and substantiate specific behavioral, performance, or physical indicators of probable drug use or alcohol abuse including, but not limited to, the following:
  - a. When an employee is tardy five times within a floating ninety day period; or when an operator or other UTU represented employee has five Missouts.
  - b. When an employee is excessively absent, in accordance with the District attendance policy or applicable union contract.
  - c. A verbal altercation sufficiently disruptive as to warrant possible disciplinary action;
  - d. Any accident involving damage less than the limits set forth in paragraph 1 of this section, where human factors may be a cause.
  - e. When an employee's absences from work occur in a pattern of days off, such as the day after payday, or the day before or after their regular days off.

### **6.3.2 ACTIONS AFTER INCIDENTS OR ACCIDENTS**

1. Following an event, altercation, or accident as described above in Section 6.3.1, field supervisory personnel at the scene shall do an immediate assessment of the condition of the employee(s) to detect possible signs of the presence of drugs or alcohol.
2. Whenever possible, the employee(s) should be transported immediately to the nearest authorized medical clinic to be checked for injuries and to receive first aid. The employee(s) shall be given an alcohol and drug test at this time.
3. The responsibility for allowing the employee to continue in service will rest with the field supervisor at the scene of the accident, event or altercation. However, at no time will an employee knowingly be permitted to work for more than three hours following an event, altercation, or accident as defined above, even if this results in a service cancellation or disruption. This provision does not require that an employee must be tested within three hours of an event, altercation, or accident. However, the employee must be tested as soon as practicable.
4. Following a test, an employee shall be removed from service until the results of the test are known to the District and the employee.

### **6.3.3 ACTIONS AFTER TESTING PROCEDURES ARE UNDERWAY**

1. A positive test for drugs or alcohol, except for marijuana as described in Section 6.4 below, will result in discharge proceedings being initiated. A formal hearing/review must be scheduled.
2. Following a positive finding of the presence of any drugs (except hallucinogens) or alcohol, detected during an off-duty physical exam, an employee shall be retested immediately upon return to work. The employee shall be withheld from service, unless light duty is available, until the results of the on-duty test are known to the District and the employee.

## **6.4 STANDARDS FOR DISCHARGE OR REHABILITATION PROCEEDINGS**

When a test shows the presence of alcohol or drugs, the following standards shall apply.

6.4.1 Marijuana: A positive on duty test will result in discharge proceedings when the test follows:

1. An "on street" accident;
2. Moving, or "yard", accident;
3. Physical altercation; or

when the employee has a history of using controlled substances.

6.4.2 When a positive test for marijuana occurs in all other instances, the employee shall be permitted to enter the EAP on a management referral, in lieu of a hearing which may result in discharge, if the employee agrees in writing to each of the following conditions:

1. The employee must agree to rehabilitation proceedings within twenty-four hours after the test results are known and must start them within seventy-two hours.
2. The employee must satisfactorily complete EAP;
3. The employee shall remain out of service without District compensation until released to return to work by the EAP;
4. The employee must test negative in order to return to service;
5. The employee shall be subject to mandatory, periodic drug and alcohol testing for a period of two years after return to duty; and
6. The employee shall be subject to discharge following any subsequent, positive on-duty test for alcohol or drugs.

If the employee does not agree to each condition, discharge proceedings shall be instituted. If the employee fails to satisfactorily complete EAP, discharge proceedings shall be instituted.

- 6.4.3 Alcohol: The employee will be subject to discharge proceedings following a first on-duty positive test.
- 6.4.4 Hallucinogenics: The employee will be subject to discharge proceedings for the first off-duty or on-duty positive test.
- 6.4.5 Prescription Drugs: The employee will be required to submit proof of the prescription to the manager within forty-eight hours of order to do so. The prescription must be in the employee's name and dated prior to the test. If the employee does not have a current, valid prescription, or if the prescription is not in the employee's name, the employee will be subject to discharge proceedings.
- 6.4.6 All other drugs will result in discharge proceedings following a first on-duty positive test.
- 6.4.7 Voluntary enrollment in EAP does not excuse or exempt an employee from discipline if s/he has alcohol or drugs in his/her system while on duty.

**SECTION 7.0**  
**PHYSICAL EXAMINATIONS**

## **7.0 DRUG AND ALCOHOL TESTS**

Drug and alcohol tests shall be given:

- a. following an incident, accident, or event as defined in this policy;
- b. during any annual or biennial physical examinations at District contracted clinics;
- c. during return to work physical examinations for an employee who has been on extended leave, reinstated to employment, or been a management referred participant in the EAP.
- d. on a random basis, in accordance with federal regulations; and
- e. on a periodic basis for management referred EAP participants.

**SECTION 8.0**  
**CONCLUSION**

## **8.0 CONCLUSION**

The District must make every possible effort to ensure a drug-free workplace. It is an agency-wide task, and every employee has a specific responsibility to maintain public confidence in the transportation system and provide safe, reliable service.

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