



**EXECUTIVE MANAGEMENT & AUDIT COMMITTEE  
MAY 19, 2005**

**SUBJECT: DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY  
(# HR 4-2)**

**ACTION: APPROVE REVISED POLICY**

**RECOMMENDATION**

Approve the revised Drug and Alcohol Free Work Environment Policy (# HR 4-2).

**ISSUE**

Metro's current Drug and Alcohol Free Work Environment Policy # HR 4-2 was adopted by the Board and made effective March 28, 2002. The Standards and Employee Programs unit of Metro's Human Resources Department (HR-SEP) is responsible for administering the policy and ensuring it remains in compliance with local, state and federal regulations governing workplace drug testing programs as well as internal Metro policies and procedures. For this purpose, HR-SEP staff partners with departments involved in operations and training to ensure that policy #HR 4-2 complements Metro's safety programs.

Rail Operations management identified a safety area of concern, addressed by the Federal Railroad Administration (FRA) regulations 49 CFR Part 219, which calls for drug and alcohol testing of safety-sensitive rail employees who are involved in rail safety rule violations. This matter has not yet been identified by Federal Transit Administration (FTA) regulations 49 CFR Part 655. Recognizing this area of concern, Metro's revised policy # HR 4-2 includes, under company authority, a newly created Rail Post-Incident Test (§4.8). The policy has also been edited to clarify areas of potential ambiguity and to make it easier to read and understand.

Per FTA regulation 49 CFR Part 655.15, adoption of this revised policy requires Board action.

**POLICY IMPLICATIONS**

This policy complies with all applicable federal, state and local government regulations regarding the maintenance of a drug and alcohol free work environment. It strictly prohibits employees from using illegal drugs at all times; prohibits unlawful manufacture, distribution, dispensing, possession and use of any controlled substance in the workplace; and prohibits alcohol consumption while on duty, subject to duty or present on any Metro property.

In order to deter and detect the use of controlled substances and the misuse of alcohol, the policy authorizes Metro to conduct pre-employment/transfer, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing for all employees, random testing for safety-sensitive employees only, post-incident drug and alcohol testing for rail employees only, and drug testing for commercial driver's license holders.

The policy complements Metro's safety programs by ensuring that all Metro vehicles are dispatched, operated and maintained by employees who are not under potential impairment caused by the prohibited use of any controlled substance or alcohol misuse.

The policy encourages employees with alcohol or drug dependency issues to seek professional rehabilitation assistance through Metro's funded Employee Assistance Program (EAP).

### OPTIONS

As an urban mass transit authority, subsidized in part by federal funds provided by the United States Department of Transportation (DOT) through the FTA, Metro has no alternative but to ensure compliance with federal regulations 49 CFR Parts 40 and 655 which cover all such grantees/recipients and mandate them to adopt and implement a drug and alcohol program policy, such as the one attached, which contains all the requirements of 49 CFR Parts 40 and 655. Failure to comply would risk loss of federal funding.

Metro has an option not to conduct post-incident testing for rail safety violations. However, implementing this testing has been highly recommended by Rail Operations; it mirrors the FRA regulations and is currently a part of the drug and alcohol programs of other transit agencies with rail services.

### FINANCIAL IMPACT

The adoption of this policy should have no additional financial impact for Metro. Funding for implementation and administration of Metro's drug and alcohol program and compliance with policy #HR 4-2 has already been provided in the FY06 proposed budget in cost center 6250. Adding rail post-incident testing will not significantly increase costs because these comprise a limited number of tests. The cost center manager, the Director of Human Resources and the Executive Officer, Administration will be responsible for budgeting costs in future fiscal years.

### DISCUSSION

Even prior to the 1995 implementation of the DOT regulations mandating drug and alcohol free testing programs, Metro had been a leader in recognizing the safety value of having a drug and alcohol policy. The original FTA compliant policy was signed by the Chief Operating Officer in 1995, with the Board first adopting policy #HR 4-2 in 1997. Subsequent revisions were adopted in 1999 and 2002 as a result of regulatory changes and improvements recommended in various audits.

## NEXT STEPS

Once approved, the revised policy will be posted online and disseminated in hard copy to all employees throughout the agency. Employee educational materials, substance abuse awareness educational programs, as well as technical training for managers, supervisors and other Metro officials with primary responsibility for compliance and implementation, will be updated to include the revised portions, in accordance with federal regulations and Metro Policy #HR 4-2 (Drug and Alcohol Free Work Environment).

## ATTACHMENT(S)

Summary of policy revisions

Revised Metro Drug and Alcohol Free Work Environment Policy (#HR 4-2)

Prepared by: Kathi Harper, Human Resources Manager  
Jessica Gil, Medical Standards Compliance Administrator



---

Don Ott  
Executive Officer, Administration



---

Roger Snoble  
Chief Executive Officer

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO THE POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
Policy Title	Alcohol-and-Drug-Free Work Environment Policy	Drug and Alcohol Free Work Environment Policy	
2002 Policy 4.4 Prescriptions or Over-the-Counter Drugs	All employees, regardless of safety-sensitive status, must notify their manager, immediate supervisor or MTA Medical Standards Coordinator (phone 213-922-7169) when they must take prescription or over-the-counter drugs that may impair their ability to perform any function of their position.	Deletion of 2002 Policy Text	Section deals with prescription and over-the-counter drugs. Metro policy requires employees to report medications in order to determine if there is potential for impairment. Since the use of these medications is legitimate and the issue is one of fitness-for-duty, it is more appropriately addressed in the Fitness-for-Duty Policy.
2005 Policy Section deleted from Drug and Alcohol Free Work Environment Policy and moved to new Fitness-for-Duty Policy, HR #3-18.	Safety-sensitive employees may not perform any safety-sensitive function if their medication carries a warning label that mental functioning, motor skills or judgment may be adversely affected, unless the medication is being used in accordance with the instructions of a physician who has provided a written determination that the substance will not adversely affect the employee's ability to safely perform safety-sensitive duties.  A prescription is considered valid only if it is in writing, indicates the employee's name, date, the name of the substance, and the quantity or amount to be taken. It is a violation of this policy to misuse		

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
<p>2002 Policy Section 5.0 Consequences of Positive Drug and/or Alcohol Tests</p> <p>2005 Policy Additional language proposed in Section 2.0.4</p>	<p>any controlled substance in a manner that is inconsistent with the prescription and the instruction of the prescribing physician.</p> <p>Not specifically addressed in 2002 Policy</p>	<p>Under Section 2.0 - Consequences of Positive Drug and/or Alcohol Tests</p> <p>4. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken either paid or unpaid, shall be considered leave taken in accordance with the Family and Medical Leave Policy (HR 6-1).</p>	<p>Clarifies current practice regarding which party pays for treatment or rehabilitation services following a positive drug or alcohol test.</p>
<p>2002 Policy 7.1 Pre-Employment Testing</p> <p>2005 Policy 4.1 Pre-Employment Testing</p>	<p>An employee who has not performed or been subject to performing safety sensitive functions for any reason, including a long term leave of absence or employment in a non-safety sensitive position, for a period of 90 consecutive days or longer, and he or she has been out of the random pool during this period, shall be required to</p>	<p>In instances where a safety-sensitive employee is on extended leave for a period of 90 days or more, regardless of the reason, the employee will be required to take a drug test and have negative results prior to performing any safety-sensitive functions. This requirement also includes employees who have been working in non-safety-sensitive positions and removed from the random testing pool for 90 days or more. A positive result will be considered a violation of this policy.</p>	<p>Section has been reworded for clarity of consequences for positive pre-employment and return-to-work tests. The policy now takes the position that all tests are tests of record and clarifies the consequences for these tests that while conducted off-duty are treated by FTA regulations as official tests</p>

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
<p>2002 Policy 7.5 Return-to-Duty Testing</p> <p>2005 Policy 4.5 Return-to-Duty Testing</p>	<p>take and have a negative result on a drug test before performing any safety-sensitive functions.</p> <p>If any employee who has refused a required test or has a verified positive, adulterated or substituted drug test result, or tests positive for alcohol at 0.02 or greater, is not terminated, the employee shall not be allowed to return to duty until he/she has successfully completed the return-to-duty process. This return-to-duty process includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP, and obtaining a verified negative observed return-to-duty drug test and/or alcohol test under 0.02.</p>	<p>If any employee who has violated this policy is not terminated, the employee shall not be allowed to return to duty until he/she has successfully completed the return-to-duty process. Violations include refusing a required test, having a verified positive, adulterated or substituted drug test result, and testing positive for alcohol at 0.02 or greater. This return-to-duty process includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP and obtaining a verified negative observed return-to-duty drug test and/or alcohol test under 0.02. A positive return-to-duty test will be considered a violation of this policy.</p>	<p>subject to the same consequences as any other test.</p> <p>Same rationale as above in Section 7.1. Applies same standard to both FTA and Metro violations.</p>
<p>2002 Policy 7.6 Follow-up Testing</p> <p>2005 Policy 4.6 Follow-up Testing</p>	<p>In addition to the Return-to-Duty test described in Section 7.5 above, any employee who has refused a required test, has a verified positive, adulterated or substituted drug test result, or tests positive for alcohol at 0.02 or greater, and who has not been terminated and is to return to work, shall be subject to follow-up testing for drugs and/or alcohol, as prescribed by the SAP, for a minimum period of 12 months to</p>	<p>In addition to the return-to-duty test, any employee meeting the conditions described in Section 4.5 above who returns to duty shall also be subject to follow-up testing for drugs and/or alcohol. The SAP determines the number, frequency and duration of follow-up tests that will be performed for a period of a minimum of 12 months to a maximum of five years. Metro will determine the actual follow-up testing dates. The employee's manager is responsible for coordinating testing with Metro Drug &amp; Alcohol Program Administrator. Follow-up testing is separate and in addition to the</p>	<p>Clarifies the roles of the SAP, Employee's Manager and the D&amp;A Program Administrator in the follow-up testing process. Updates current procedure to ensure follow-up testing procedure complies with the SAP's prescription.</p>

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
<p>2002 Policy 7.7 Commercial Driver's License (CDL) Testing</p> <p>2005 Policy 4.7 Commercial Driver's License (CDL) Testing</p>	<p>a maximum of five years. Although they are both unannounced, follow-up testing is not considered random testing. The SAP shall designate the duration and frequency of testing. The employee's manager or supervisor MTA will decide the actual follow-up testing dates. The employee's manager is responsible for providing timely notification to coordinating testing with MTA Drug &amp; Alcohol Program Administrator in the Special Programs Unit of Human Resources regarding scheduled follow-up tests.</p>	<p>random, post-accident, reasonable suspicion and return-to-duty testing.</p>	<p>Treats CDL drug tests as tests of record and imposes evaluation and rehabilitation.</p> <p>While there is no change for employees who are tested while on duty, the 2002 Policy stipulated that off-duty employees were re-tested again when on-duty. Revision makes policy consistent with intent of the regulations that prohibit drug use at all times. 2005 Policy will impose return-to-duty rehabilitation requirement on employees who test positive even if they are not on duty. Currently</p>
	<p>The California Department of Motor Vehicles (DMV) requires drivers of commercial motor vehicles (Class A or B licenses) to pass a medical examination to obtain or renew their medical certificates. MTA requires a drug test as part of this examination to ensure that the CDL holder is qualified to operate a commercial vehicle.</p> <p>A verified positive drug test will subject the employee to consequences as described in Section 2.0. If the test is administered on-duty, the employee is subject to disciplinary proceedings up to and including termination. If the test is administered off-duty, the employee will be given a Mandatory SAP referral and must successfully complete the return-to-duty process and be subject to follow-</p>		



# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
<p>2002 Policy Section: N/A</p> <p>2005 Policy –Proposed 4.8 -Post-Incident Testing (Rail)</p>	<p>Not in 2002 Policy</p>	<p>up testing as described above.</p> <p>Under 4.8 Post-Incident Testing (Rail)</p> <p>Any rail (safety sensitive) employee directly involved in one of the following safety rule violations shall be required to submit to drug and alcohol tests, as soon as practicable after the violation:</p> <ul style="list-style-type: none"> <li>(a) non-compliance with a train order, Automatic Train Protection (ATP) bypass or manual blocking procedure, signal indication, or safety-related special instruction or direction with respect to the movement of a rail vehicle;</li> <li>(b) alignment of a switch in violation of an Authority rule, operation of a switch under a train, unauthorized movement through a switch or entering a crossover before both switches are lined for movement;</li> <li>(c) in the case of a person performing a control function or manual block operations, issuance of an order or establishment of route that fails to provide proper protection for the rail vehicle</li> </ul>	<p>employees who are retested on duty with negative results incur no consequences and increase the risk to Metro if they should later have an accident where drug use is involved.</p> <p>At the request of the Rail Department, this section institutes drug testing for specific rail safety violations that are not covered by FTA or the current Metro Drug and Alcohol Policy. Modeled after regulations in Federal Rail Administration (FRA) and other transit agencies with rail operations.</p>

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
2002 Policy 8.2 - Drug Testing Procedures	If the MRO reports a "negative-dilute" test result from a Pre-Employment or random drug test, the applicant or employee will be required to immediately take a second test, unobserved."	If the MRO reports a "negative-dilute" test result from a pre-employment test, the candidate or employee will be required to immediately take a second test, unobserved. The result of the second test becomes the test of record.	No longer requires a 2 <sup>nd</sup> drug test following a "negative dilute" test result on a random drug test. 2 <sup>nd</sup> test proven to be neither cost-effective or efficient and is optional under FTA regulations. Policy maintains current practice of requiring retest for pre-employment tests.
2005 Policy 5.2 - Drug Testing Procedures	Under those circumstances when a multi-stall restroom has to be used for urine specimen collection and the facility cannot be adequately secured, the collector will conduct a monitored collection. The monitor shall be the same gender as the employee, unless the monitor is a medical professional. The monitor will not watch the employee void into the collection container. However, if the monitor hears sounds or observes attempts to tamper with a specimen, an additional collection under direct observation will be ordered. If the employee declines to permit an authorized collection to be monitored, the employee is considered to have refused to test.	Deletion of this Section	Metro only contracts with service agents who provide private facilities that do not require monitoring the collection.
2002 Policy 8.4 -Monitored Urine Specimen Collection			
2005 Policy Deletion of this Section			
2002 Policy 14.0 – Definitions	Adds to language under "Refusal to Test"	Under 11.0 - Added text: Employees are responsible for complying with the protocol	Clarifies employee's responsibility to cooperate

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
2005 Policy 11.0 – Definitions		required during the drug and alcohol testing process. In certain circumstances, while failure to comply may not be deemed a “refusal to test”, the employee may nevertheless be disciplined for not cooperating or complying in full with the procedures set forth in this policy.	during the drug and alcohol testing process, and allows management to discipline employees whose behavior, while not constituting a refusal to test, is nevertheless obstructive.
2002 Policy 14.0 – Definitions	Not included in the definitions of the 2002 Policy	Under 11.0 - Adds a definition for Safety-Sensitive Employee	Term is used throughout policy, and a definition of term is therefore appropriate.
2005 Policy 11.0 – Definitions		<p>Safety Sensitive Employee – an employee who performs a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform any one of the following safety-sensitive functions:</p> <ul style="list-style-type: none"> <li>➤ Operating a revenue service vehicle, even when it is not in revenue service;</li> <li>➤ Operating a non-revenue service vehicle when required to be operated by a Commercial Driver’s License (CDL) holder;</li> <li>➤ Controlling dispatch or movement of a revenue service vehicle;</li> <li>➤ Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service; or</li> <li>➤ Carrying a firearm for security purposes.</li> </ul>	
2002 Policy 14.0 –Definitions	Expands on the Definition of “Substance Abuse Professional”	Under 11.0 - Expands on the Definition of “Substance Abuse Professional”	Further clarifies the function and meaning of term Substance Abuse Professional.
2005 Policy 11.0 – Definitions		A licensed or certified professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol	

# DRUG AND ALCOHOL FREE WORK ENVIRONMENT POLICY

## SUMMARY OF REVISIONS TO POLICY ISSUED IN 2002

Below is a summary of the significant changes proposed to the current Drug and Alcohol Free Work Environment Policy. In addition to these changes, minor additions and deletions have been made to improve clarity, organization, readability and consistency with Federal regulations.

SECTION TO CHANGE	2002 POLICY TEXT	PROPOSED 2005 POLICY TEXT	RATIONALE
2002 Policy Section: N/A  2005 Policy 12.0 - Responsibilities	Not specifically addressed in 2002 Policy	<p>related disorders who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment and follow-up testing.</p> <p><b>Employees</b> at all levels are responsible for reading, understanding, adhering to this policy and meeting the specific standards of performance. Each employee shall receive and sign for a copy of this policy.</p> <p><b>Managers and Supervisors</b> are strictly accountable for the consistent application and enforcement of this policy. Any Supervisor/Manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates is subject to disciplinary action, up to and including discharge.</p>	Language has been added to clarify individual responsibilities and to make this policy consistent with other Metro policies.



**Metro**

HUMAN RESOURCES POLICY 4-2

**Drug and Alcohol Free  
Work Environment**

**POLICY STATEMENT**

The Los Angeles County Metropolitan Transportation Authority (Metro) is dedicated to providing safe, dependable and efficient transportation services to customers and a safe work environment for employees. An employee’s use of prohibited drugs and misuse of alcohol poses a significant risk to public safety, as well as to the employee’s health and safety.

By this reference, all applicable state and federal regulations governing workplace anti-drug use and alcohol misuse programs in the transportation industry are incorporated herein, as though fully set forth, as part of this policy. These regulations include, but are not limited to, Department of Transportation (DOT) regulations 49 CFR Part 40, as amended (“Procedures for Transportation Workplace Drug Testing Programs”); Federal Transit Administration (FTA) regulations, 49 CFR Part 655, (“Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations”); 41 U.S.C. Section 701-707 (“Federal Drug-Free Workplace Act of 1988”); and California Government Code section 8350 *et seq.*, (“Drug-Free Workplace Act of 1990”).

**NOTE:** Additional requirements and/or disciplinary actions established under Metro authority are entered in **bold-faced type**. Requirements of the Federal Drug-Free Workplace Act (not covered under 49 CFR Part 655) are in *italics*.

**PURPOSE**

The purpose of this policy is to:

- A. Create a work environment free from the adverse effects of drug abuse and alcohol misuse;
- B. Deter and detect employees’ use of illegal drugs and misuse of alcohol;
- C. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- D. Encourage employees to seek professional assistance anytime personal problems, including drug or alcohol dependency adversely affect their ability to safely perform their assigned duties; and

\_\_\_\_\_  
Chief of SBU

\_\_\_\_\_  
APPROVED: County Counsel or N/A

\_\_\_\_\_  
ADOPTED: CEO

Board Approved Date:\_\_\_\_\_

Last Date of Review\_\_\_\_\_



1.0 PROHIBITED BEHAVIORS

1.1 Illegal Drugs

**All Metro employees are prohibited from consuming the following products at all times:**

- A. Marijuana
- B. Cocaine
- C. Opiates
- D. Amphetamines
- E. Phencyclidine (PCP)

**All Metro employees are prohibited from possessing or distributing the above products and from reporting to work with these products or their metabolites in their systems.**

1.2 Alcohol – Safety-Sensitive Employees

Safety-sensitive employees are prohibited from consuming alcohol:

- A. While on Metro property;
- B. While performing safety-sensitive functions;
- C. Within 4 hours prior to performing safety-sensitive functions;
- D. While on call\*; and/or
- E. Within eight hours following an accident requiring a post-accident alcohol test or until undergoing a post-accident test, whichever occurs first.

\*On-call employees are prohibited from alcohol consumption for the duration of the on-call status. If an employee is called to report to duty, the employee has the opportunity to acknowledge alcohol use and inability to perform his or her safety-sensitive function. If the employee acknowledges alcohol use but claims ability to perform his/her safety-sensitive function, the employee must first take an alcohol test and test negative before performing such function.

1.3 Non-Safety-Sensitive Employees

**Non-safety-sensitive employees are subject to the same prohibitions as safety-sensitive employees for both drugs and alcohol, and may be subject to drug and alcohol testing provisions, except for random testing.**



## **Drug and Alcohol Free Work Environment**

---

- E. Discipline employees who violate the policy, up to and including termination.

### **APPLICATION (COVERED EMPLOYEES)**

Unless otherwise noted in specific provisions, this policy applies to **all** Metro employees regardless of their functions. It applies to off-site lunch periods or breaks when an employee is scheduled to return to work or is on-call. **The application of this policy to non-safety-sensitive employees comes under Metro's own authority. Volunteers, visitors, invitees, licensees, contractors and vendors are also governed by the requirement to remain drug and alcohol free while on Metro property or when performing any business for or providing a service to Metro.**

As a condition of employment, safety-sensitive (covered) employees are required to submit to all drug and alcohol tests administered in compliance with the requirements of 49 CFR Parts 40 and 655. **Non-safety-sensitive employees are subject to all such drug and alcohol tests, with the noted exception of random tests.**

As defined by the FTA, safety-sensitive employees include those who perform, or may be called upon to perform, the following safety-sensitive functions:

- A. Operating a revenue service vehicle, even when it is not in revenue service;
- B. Operating a non-revenue service vehicle when required to be operated by a Commercial Driver's License (CDL) holder;
- C. Controlling dispatch or movement of a revenue service vehicle;
- D. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service; or
- E. Carrying a firearm for security purposes.

Managers and supervisors are considered safety-sensitive if they perform, or may be called upon to perform any of the above safety-sensitive functions.

The job classifications listed on Appendix A are considered safety-sensitive for the purposes of this policy.



## **Drug and Alcohol Free Work Environment**

---

1.4 Prescriptions or Over-the-Counter Medication

(Refer to Fitness-for-Duty Policy, HR #3-18)

1.5 Volunteers, Visitors, Invitees, Licensees, Contractors and Vendors

**Whenever there is evidence or reasonable suspicion that a volunteer, visitor, invitee, licensee, contractor or vendor possesses, is distributing or may have used prohibited drugs or alcohol, they may be prohibited from entering or remaining on Metro property and may be prohibited from conducting any further business with or on behalf of Metro.**

2.0 CONSEQUENCES OF POSITIVE DRUG AND/OR ALCOHOL TESTS

**Any** employee who has a verified positive drug test result, an alcohol concentration of **0.02 or greater**, or refuses to submit to a drug and/or alcohol test (including adulteration or substitution) shall be considered to have violated this policy and shall be:

1. Immediately removed from duty.
2. Referred to a Substance Abuse Professional (SAP) for evaluation, education or treatment and provided educational materials.
3. **Subject to discipline, up to and including termination. Prior to assessing discipline, management shall consider pertinent information including any aggravating and/or mitigating circumstances and shall meet with Metro's Drug and Alcohol Disciplinary Review Committee (DAD Review Committee).**
4. **Responsible for the cost of any treatment or rehabilitation services will be paid directly by the employee or through their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program if this extends beyond any disciplinary suspension. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return to duty. Any leave taken either paid or unpaid shall be considered leave taken in accordance with the Family and Medical Leave Policy (HR 6-1).**





## **Drug and Alcohol Free Work Environment**

---

### 3.0 CONTACT PERSON

Any questions about this policy or any aspect of Metro's drug and alcohol program should be referred to:

Title: Drug and Alcohol Program Administrator  
Human Resources Department, MS 99-14-8  
Address: One Gateway Plaza, Los Angeles, CA 90012  
Telephone Number: (213) 922-7172  
Fax: (213) 922-3885

### 4.0 TYPES OF TESTING

#### 4.1 Pre-Employment Testing

**Employees must satisfy all qualification requirements including medical, physical agility, fitness for duty and the successful completion of mandated pre-employment drug and alcohol tests. Metro hiring authorities will select or retain only those deemed to be qualified and suited for the positions.**

All candidates for employment, or any employee transferring from a non-safety-sensitive position to a safety-sensitive position will be required to undergo a pre-employment drug **and alcohol** test at a time and place designated by Metro. **An alcohol test result below 0.02** and a verified negative drug test result must be received prior to **any** candidate's assuming the position or an employee's performance of any safety-sensitive function. If a pre-employment drug test is canceled, the candidate/employee will be required to successfully pass another drug test with no advance notice.

Metro will check on the drug and alcohol testing background of all candidates (external applicants and current employees in non-safety-sensitive job classifications) being considered for final selection into any safety-sensitive position within Metro, subject to a candidate's written consent. Any candidate who refuses to provide the required written consent will not be hired into a safety-sensitive position, regardless of qualifications.

In instances where a safety-sensitive employee is on extended leave for a period of 90 days or more, regardless of the reason, the employee will be required to take a drug test and have negative results prior to performing any safety-sensitive functions. This requirement also includes employees who have been working in non-safety-sensitive positions and removed from the random testing pool for 90 days or more. A positive result will be considered a violation of this policy.



## **Drug and Alcohol Free Work Environment**

---

### **4.3 Post-Accident Testing**

**All employees** who are involved in a traffic accident while operating a mass transit vehicle, **other Metro vehicle, their own personal vehicle or another private vehicle while conducting Metro business at the time of an accident** shall be required to submit to drug and alcohol tests as soon as practicable after the accident, if as a result:

- A. An individual dies;
- B. An individual suffers bodily injury and immediately receives medical treatment away from the scene;
- C. The mass transit vehicle (bus, truck, van, or automobile) or any other vehicle involved in the accident suffers disabling damage as a result of the accident and is transported away from the scene by a tow truck or other vehicle; or
- D. The mass transit vehicle is a rail car and is removed from revenue service.

#### **4.3.1 Fatal Accidents**

Whenever there is a loss of human life, any surviving employee operating a Metro vehicle at the time of the accident shall be tested for drugs and alcohol. Any safety-sensitive employee whose performance could have contributed to the accident also shall be tested.

#### **4.3.2 Non-Fatal Accidents**

Following non-fatal accidents, the employee operating the vehicle at the time of the accident shall be tested unless his/her performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident also shall be tested.

#### **4.3.3 Other Post-Accident Testing Requirements**

If an alcohol or drug test is required under this section, the employee shall be tested as soon as practicable following the accident. An alcohol test shall be administered within 8 hours of the accident. A drug test shall be administered within 32 hours of the accident. If Metro is unable to perform such post-accident testing (i.e., employee is unconscious, employee is detained by law enforcement agency), Metro may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of testing under DOT procedures.



## **Drug and Alcohol Free Work Environment**

---

### **4.2 Reasonable Suspicion Testing**

Metro shall conduct drug and alcohol tests when there is reasonable suspicion to believe **any** employee has used a prohibited drug and/or engaged in alcohol misuse. A determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or odors while the employee is on duty or subject to duty. These observations shall be made by a supervisor or other Metro official who is trained in detecting the signs and symptoms of drug use and alcohol misuse.

The supervisor who makes the referral need not be the employee's own supervisor, as long as he/she has received training in detecting the signs and symptoms of drug use and alcohol misuse. The supervisor's observations will be documented in accordance with Metro policy, procedures and practices, and such documentation shall be forwarded to the Drug and Alcohol Program Administrator identified in Section 3.0.

**The following circumstances are also grounds for a reasonable suspicion testing referral:**

- A. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances in the workplace or while on duty.**
- B. Industrial accident resulting in a traumatic injury, which requires medical treatment. Any or all of the employees directly involved may be subjected to an alcohol and/or drug test when there is reasonable suspicion to believe that an employee's use of alcohol or drugs may have caused or contributed to the accident or injury.**
- C. Physical altercation or assault between two or more employees. All employees involved in the altercation will be tested, except when the employee is only attempting to restrain those involved in the altercation or a security officer is performing his or her official function.**

Once a supervisor or other authorized Metro official has made a reasonable suspicion determination, he/she must remove the employee from his/her job functions and have the employee accompanied to the collection site for testing immediately. If testing is not conducted within two hours, the reason for the delay must be documented and the documentation forwarded to the Metro Drug and Alcohol Program Administrator. All attempts to complete an alcohol test must cease after eight hours from the time of the incident or observation.



## **Drug and Alcohol Free Work Environment**

---

The local law enforcement officials must have independent authority for the test and Metro must obtain the results in conformance with local law.

The employee involved in an accident that requires testing must remain readily available for testing, including notifying Metro of his/her location if the employee leaves the scene of the accident before testing to obtain emergency medical care, or to obtain assistance in responding to the accident. The employee shall be considered to have refused to submit to testing if the employee fails to comply with these requirements.

**If the accident results in a fatality or if there is reasonable suspicion that the employee has used alcohol or a prohibited drug, the employee will be held out of service until Metro has received a verified negative drug test result and an alcohol test result of less than 0.02. All other employees may return to work as soon as practicable while the results of testing are pending.**

**Following receipt of negative drug and alcohol test results, the employee shall be promptly returned to his/her regular work and made whole for any lost wages, unless the employee must be held out-of-service or suspended for violations of other Metro policies, procedures or rules.**

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit an employee from leaving the scene of an accident to obtain assistance in responding to the accident or for emergency medical care.

#### **4.4 Random Testing**

All safety-sensitive employees are required to undergo random drug and alcohol tests. The random selection will be conducted using a scientifically valid method that gives each covered employee an equal chance of being selected every time a selection is made. As is the nature of the random method, it is possible that some employees will be selected several times in one year, and other employees not for several years. Management has no discretion regarding selection.

The number of employees randomly selected for drug and alcohol testing during the calendar year shall not be less than the percentage rates established by the FTA. Random testing will be spread throughout the calendar year and



# Drug and Alcohol Free Work Environment

---

conducted at all days and times when safety-sensitive functions are performed. The testing dates and times are unannounced. Employees are required to proceed immediately to the designated collection site following notification. An unreasonable delay shall be considered a test refusal.

A covered employee shall only be randomly tested for alcohol immediately before, during, or immediately after performance of any safety-sensitive function. The employee may be randomly tested for drugs anytime while on duty.

#### 4.5 Return-to-Duty Testing

If an employee who has violated this policy is not terminated, the employee shall not be allowed to return to duty until he/she has successfully completed the return-to-duty process. Violations include refusing a required test, having a verified positive, adulterated or substituted drug test result, and testing positive for alcohol at **0.02** or greater. This return-to-duty process includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP and obtaining a verified negative observed return-to-duty drug test and/or alcohol test under 0.02. A positive return-to-duty test will be considered a violation of this policy.

#### 4.6 Follow-Up Testing

In addition to the return-to-duty test, **any** employee meeting the conditions described in Section 4.5 who returns to duty shall also be subject to follow-up testing for drugs and/or alcohol. The SAP determines the number, frequency and duration of follow-up tests that will be performed for a period of a minimum of 12 months to a maximum of five years. Metro will determine the actual follow-up testing dates. The employee's manager is responsible for coordinating testing with the Metro Drug and Alcohol Program Administrator. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

**Under certain circumstances an employee may consent to be subject to unannounced follow-up testing as part of a mandatory EAP referral or last chance agreement.**

#### 4.7 Commercial Driver's License (CDL) Testing

**The California Department of Motor Vehicles (DMV) requires drivers of commercial motor vehicles (Class A or B licenses) to pass a medical examination to obtain or renew their medical certificates. Metro requires a**



## **Drug and Alcohol Free Work Environment**

---

drug test as part of this examination to ensure that the CDL holder is qualified to operate a commercial vehicle.

A verified positive drug test will subject the employee to consequences as described in Section 2.0. If the test is administered on-duty, the employee is subject to disciplinary proceedings up to and including termination. If the test is administered off-duty, the employee will be given a mandatory SAP referral and must successfully complete the return-to-duty process as described in Section 4.5 and be subject to follow-up testing as described in Section 4.6.

### **4.8 Post-Incident Testing (Rail)**

Any rail (safety-sensitive) employee directly involved in one of the following safety rule violations shall be required to submit to drug and alcohol tests as soon as practicable after the violation:

- (a) non-compliance with a train order, Automatic Train Protection (ATP) bypass or manual blocking procedure, signal indication, or safety-related special instruction or direction with respect to the movement of a rail vehicle;**
- (b) alignment of a switch in violation of a Metro rule, operation of a switch under a train, unauthorized movement through a switch or entering a crossover before both switches are lined for movement;**
- (c) in the case of a person performing a control function or manual block operations, issuance of an order or establishment of a route that fails to provide proper protection for the rail vehicle.**

## **5.0 TESTING PROCEDURES**

All drug and alcohol tests required under this policy will be administered and analyzed in accordance with the procedures set forth by DOT 49 CFR Part 40 ("Procedures for Transportation Workplace Drug Testing Programs") as amended. Throughout the testing process, the privacy of the employee will be protected and the integrity and validity of the process will be maintained. Detailed drug and alcohol specimen collection procedures are available at MyMetro.net or upon request from the Drug and Alcohol Program Administrator identified in Section 3.0 of this policy.

### **5.1 Alcohol Testing Procedures**

Tests for alcohol concentration will be conducted using an alcohol screening device and an evidential breath testing (EBT) device if the screen test is at 0.02



## **Drug and Alcohol Free Work Environment**

---

BAC or greater. An Alcohol Testing Form will be used and a unique sequential number will be assigned to each test.

### **5.2 Drug Testing Procedures**

For each drug test, a Custody and Control Form with a unique identification number will be used to ensure that the correct urine specimen and the test result for that specimen is attributed to the correct employee. A split specimen collection process will be utilized. An initial screening test using an immunoassay technique will be performed. If the specimen is positive for one or more of the drugs tested, then a confirmation test will be performed using a gas chromatography/mass spectrometry (GC/MS) analysis. If the test is confirmed positive, the Medical Review Officer (MRO) will conduct a verification process, which includes giving the employee an opportunity to provide a valid medical explanation for the positive test result and an opportunity to request a test of the split specimen.

The laboratory may also conduct analyses to determine if a urine specimen is consistent with human urine or has been adulterated, tampered with, or diluted. If the MRO reports a “negative-dilute” test result from a pre-employment test, the candidate or employee will be required to immediately take a second test, unobserved. The result of the second test becomes the test of record.

If the laboratory reports to the MRO an “Invalid Result” or “Rejected for Testing” (because of a fatal or uncorrectable flaw), a recollection may also be required by the MRO, and depending on the circumstances, the specimen may have to be recollected under direct observation. The result of the second test becomes the test of record.

After notification by the MRO of a verified positive drug test or refusal to test because of adulteration or substitution, the employee has 72 hours to request (verbally or in writing) a test of the split specimen unless the employee presents the MRO with information documenting that serious injury, illness, lack of actual notice of the verified test result, or other circumstances unavoidably prevented the employee from making a timely request.

Following the employee’s timely request, the MRO shall send a written request to the primary laboratory to forward the split specimen to a second laboratory certified by the United States Department of Health and Human Services (DHHS) for testing without regard to the cut-off concentration. If the second laboratory fails to reconfirm the substance detected in the primary specimen or the adulterant identified, the test shall be canceled. The MRO shall report the



## **Drug and Alcohol Free Work Environment**

---

cancellation and the reasons for it to the DOT, Metro and the employee. If the split specimen is not available for testing, the employee shall be directed, with no advance notice, to submit another specimen under direct observation.

**All costs related to split specimen testing, including the shipping of the split specimen to the second DHHS certified laboratory, will be paid by the candidate, the employee or the union, if such an arrangement is in effect. The employee or the union will be reimbursed if the second test invalidates the original test or if the test was canceled.**

### **5.3 Directly Observed Urine Specimen Collection**

Under the following circumstances, the employee will be instructed to undergo an immediate urine specimen collection under direct observation with no advance notice:

- A. If the laboratory reported to the MRO that a specimen was invalid and there was no adequate medical explanation for the result;
- B. If the MRO reported that the original positive, adulterated, or substituted test result had to be canceled because the split specimen testing could not be performed;
- C. If the collector observes employee conduct that clearly indicates an attempt to tamper with a specimen;
- D. If the temperature on the original specimen is out of range;
- E. If the original specimen appeared to have been tampered with; or
- F. If the test being conducted is a return-to-duty test or a follow-up test.

The observer shall be the same gender as the employee, but need not be the collector. The observer is responsible for ensuring that the specimen goes from the employee's body into the collection container. If the employee declines to allow a directly observed collection when required or permitted under this policy, it is considered a refusal to test.

## **6.0 EDUCATION AND TRAINING**

**All** employees will receive a copy of this policy. Additional employee education and training programs include posters, new employee orientation, community resources, informational materials and seminars.

All safety-sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use and alcohol misuse, including the effects and consequences on personal health, safety and the work environment. This mandated





## **Drug and Alcohol Free Work Environment**

---

training shall include information on community treatment and drug-abuse prevention resources and voluntary rehabilitation.

**Drug and alcohol training similar to that mandated for safety-sensitive employees is available to non-safety-sensitive employees.**

Managers, supervisors and/or other Metro officers authorized by Metro to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

### **7.0 VOLUNTARY REHABILITATION**

**Metro strongly encourages employees to voluntarily seek professional assistance for problems dealing with drug and/or alcohol abuse or misuse. Voluntary rehabilitation means self-identification before the problem is detected as a result of Metro-directed drug and/or alcohol tests.**

**If in-patient or full-time day treatment is required, the employee is allowed to take a medical leave of absence to participate in the prescribed rehabilitation and may use paid leave time in accordance with Metro policy or the applicable provisions of a collective bargaining agreement.**

**Voluntary enrollment in an Employee Assistance Program (EAP) for treatment does not excuse or exempt an employee from discipline following a positive test result or other violation of this policy. Likewise, voluntary or mandatory enrollment in EAP or assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with Metro.**

### **8.0 CONFIDENTIALITY AND ACCESS TO FACILITIES AND RECORDS**

Employees have a right to examine their own drug and alcohol testing records, provide information to dispute the results, and have access to any pertinent data such as EBT calibration or drug testing laboratory certification. They also have a right to obtain a copy of their own test results by submitting a written request to the Drug and Alcohol Program Administrator identified in Section 3.0 of this policy.

Metro will maintain the confidentiality of the testing records to protect the privacy of the individuals tested. Individual test results or medical information will be released to third parties (including unions) only with the employee's specific written consent, or to those parties authorized by the DOT, FTA, or other agency authorized by law or regulation to receive such information without the employee's consent.



## **Drug and Alcohol Free Work Environment**

---

The employee's written consent is not required in administrative or legal proceedings such as:

- A. A lawsuit, grievance, or administrative proceeding brought by, or on behalf of the employee, resulting from a positive test or a refusal to test; or
- B. A criminal or civil action resulting from an employee's performance of safety-sensitive duties where the alcohol or drug test information is deemed relevant.

### **9.0 FEDERAL DRUG-FREE WORKPLACE ACT of 1988 (DFWA) REQUIREMENTS**

*Under the DFWA, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Employees are required to notify management in writing of any criminal drug statute convictions received for a violation occurring in the workplace, no later than five calendar days after such a conviction. Within 10 calendar days of receiving such notice, Metro shall provide written notification of the conviction to the FTA. Within 30 calendar days of receiving notice of the conviction, Metro shall take appropriate disciplinary action, or require the employee to participate and successfully complete a drug rehabilitation program.*

**Law enforcement shall be notified, as appropriate, where criminal activity is suspected.**

### **10.0 PREEMPTION OF STATE AND LOCAL LAWS OR LABOR AGREEMENTS**

If a conflict occurs between state and local laws or labor agreements and any federal regulation, the federal regulation prevails. Federal regulations do not preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.

### **11.0 DEFINITIONS**

Accident Triggering a Drug and Alcohol Test: An occurrence associated with the operation of a vehicle, if as a result:

- A. An individual dies;
- B. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;



## **Drug and Alcohol Free Work Environment**

---

- C. The mass transit vehicle involved is a bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- D. The mass transit vehicle involved is a rail car and the vehicle is removed from revenue service.

Adulterated Specimen: A urine 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 Use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol. For purposes of this policy, alcohol is alcohol regardless of source.

BAC: Blood alcohol concentration; refers to reading on EBT during alcohol testing.

Breath Alcohol Technician (BAT): An individual who instructs and assists employees or applicants in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

Canceled Test: A drug or alcohol test with an identified problem that cannot be or has not been corrected, or which CFR 49 Part 40 requires to be canceled. A canceled test is neither a positive nor a negative test.

Collector: A person who instructs and assists individuals at a collection site, who receives and makes an initial inspection of the specimen provided by the individual, and who initiates and completes the Custody and Control Form (CCF).

Controlled Substances: Any drug classified by the U.S. Drug Enforcement Agency (DEA) into the five schedules or classes on the basis of their potential for abuse, accepted medical use, and accepted safety for use under medical supervision.

Designated Employer Representative (DER): An employee designated to administer Metro's Drug and Alcohol Program and authorized by Metro to take immediate action(s) to remove employees from safety-sensitive duties and make required decisions in the testing and evaluation processes. The DER also receives test results and other communications on behalf of Metro, consistent with the requirements of 49 CFR Part 40.

DHHS: United States Department of Health and Human Services.



## Drug and Alcohol Free Work Environment

---

Disabling Damage: Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. This includes damage to a motor vehicle, where the vehicle could have been driven, but would have sustained further damage if so driven. It does not include:

- A. Damage that can be remedied temporarily at the scene of the accident without special tools or parts;
- B. Tire disablement without other damage even if no spare tire is available;
- C. Headlamp, mirror or tail light damage; or
- D. Damage to turn signals, horn, or windshield wipers that make them inoperative.

DOT: United States Department of Transportation.

Drug Abuse: Use of any illegal drug or controlled substance without a valid prescription, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs. This includes use of prescription drugs legally prescribed to another individual.

Evidential Breath Testing (EBT) Device: A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations and placed on the NHTSA's Conforming Products List.

FTA: Federal Transit Administration; an agency in the U.S. Department of Transportation.

Invalid Drug Test: The result of a urine drug test that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid test result.

Mass Transit Vehicles: Vehicles used for mass transportation or ancillary services.

Medical Prescriptions: A medication prescription written by a physician which indicates the employee's name, date, substance, dosage (quantity or amount to be taken), and period of authorization. It is a violation of this policy to use any controlled substance that is inconsistent with the prescription.

Medical Review Officer (MRO): A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program. He or she must have knowledge of substance abuse disorders and possess the appropriate medical training to interpret and evaluate medical explanations for certain drug test results.



**Drug and Alcohol Free  
Work Environment**

---

Mitigating Circumstances: Individual circumstances that, when taken collectively, may be considered in assessing appropriate discipline for policy violations. Examples are: nature or consequence of the violation, job functions, employment history, length of service and performance record of the employee.

Off-duty: The status of an employee who is not presently working or required to report to work.

On Call: See Subject to Duty.

Positive Alcohol Test: The presence of alcohol in the body at a concentration of **0.02** or greater as measured by an EBT device.

Positive Drug Test: Any urine specimen that shows the presence of controlled substances and is verified by the MRO. The confirmatory cut-off (ng/ml) for the prohibited controlled substances is as follows:

A. Marijuana	15
B. Cocaine	150
C. Opiates	2000
D. Amphetamines/includes methamphetamines	500
E. Phencyclidine (PCP)	25

Refusal to Test:

- A. Failure to appear at the collection site within a reasonable time, as determined by the employer, after being directed to do so by the employer representative (except for pre-employment test).
- B. Failure to remain at the collection site until the testing process is completed, except in pre-employment situations where leaving the site before the testing process begins is not deemed to be a test refusal.
- C. Failure to provide a urine, breath, or saliva specimen as required by 49 CFR Part 40.
- D. Failure to permit the observation or monitoring of specimen collection when it is required.
- E. Failure to provide a sufficient amount of urine or breath specimen without a valid medical explanation.
- F. Failure or refusal to take a second test when required.
- G. Failure 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 of 49 CFR Part 40.



## Drug and Alcohol Free Work Environment

---

- H. Failure to cooperate with any part of the testing process (for example, refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process, refusing to sign the testing forms when required).
- I. Failure to remain readily available for post-accident testing, including failure to notify Metro management of employee's location if employee leaves the scene of the accident prior to undergoing a post-accident test.
- J. A verified adulterated or substituted test result.

NOTE: - A refusal to test is equivalent to a positive test result.

- **Employees are responsible for complying with the protocol required during the drug and alcohol testing process. In certain circumstances, while failure to comply may not be deemed a "refusal to test", the employee may nevertheless be disciplined for not cooperating or complying in full with the procedures set forth in this policy.**

Safety-Sensitive Employee - An employee who performs a safety-sensitive function. This includes any period in which he or she is actually performing, ready to perform, or immediately available to perform any one of the following safety-sensitive functions:

- A. Operating a revenue service vehicle, even when it is not in revenue service;
- B. Operating a non-revenue service vehicle when required to be operated by a Commercial Driver's License (CDL) holder;
- C. Controlling dispatch or movement of a revenue service vehicle;
- D. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service; or
- E. Carrying a firearm for security purposes.

Split specimen: In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second DHHS-certified laboratory for testing upon employee request following a verified positive or a verified adulterated or substituted test result from the primary specimen.

Subject-to-Duty: The status of an employee who is scheduled to report for work at an assigned time and or 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 the employee is guaranteed extra compensation because of his/her "on-call" status. An employee who is simply



## **Drug and Alcohol Free Work Environment**

---

responsible for responding, if available, when the employee is not within either definition above, is not considered to be subject-to-duty for the purposes of this policy.

Substance Abuse Professional (SAP): A licensed or certified professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, and follow-up testing.

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

Vehicles used by Metro: Buses, vans, automobiles, rail cars, non-revenue commercial motor vehicles, and vehicles used by armed security personnel.

### **12.0 RESPONSIBILITIES**

**Employees** at all levels are responsible for reading, understanding, adhering to this policy and meeting the specific standards of performance. Each employee shall receive and sign for a copy of this policy.

**Managers and Supervisors** are strictly accountable for the consistent application and enforcement of this policy. Any Supervisor/Manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, is subject to disciplinary action, up to and including discharge.

### **13.0 FLOW CHART**

Not Applicable

### **14.0 REFERENCES**

1. Omnibus Transportation Employee Testing Act of 1991
2. 49 CFR Part 655
3. 49 CFR Part 40
4. Federal Drug Free Workplace Act of 1988 (41 U.S.C. Sections 701-707)
5. California Drug-Free Workplace Act of 1990 (CA Government Code Section 8350 et seq)
6. Americans with Disabilities Act (ADA)



## **Drug and Alcohol Free Work Environment**

---

7. 49 CFR 391.41 - 391.49
8. HR 3-10 Discipline
9. HR 7-3 Employee Assistance Program
10. What Employees Need To Know
11. Prohibited Behaviors
12. Drug Collection Procedures
13. Alcohol Testing Procedures
14. Facts About Random Testing
15. The Role of the Medical Review Officer
16. The Role of the Substance Abuse Professional
17. Looking For Help? (Resource & Referral Listing)
18. Contact List

### **Alcohol and Drug Bulletins**

- 1-14-2000 Drug & Alcohol Policy Bulletin
- 7-31-2001 Upcoming Drug & Alcohol Policy Revision
- 12-1-2001 Notification of Regulatory Changes to the Drug and Alcohol Policy
- 7-20-2003 Revised Safety-Sensitive Job Classification List
- 3-8-2004 Notification of Changes to the Drug and Alcohol Program

### **15.0 ATTACHMENTS**

1. Appendix A - Listing of Safety-Sensitive Job Classifications

### **16.0 PROCEDURE HISTORY**

- 2/3/93 Former LACTC and former SCRTD interim procedures Board-adopted.
- 1/1/95 New Procedure.
- 7/1/97 Revised for conformance to mandated regulatory changes.
- 9/21/99 Revised for conformance to mandated regulatory changes.
- 3/28/02 Revised for conformance to mandated regulatory changes.
- 4/1/05 To reflect policy changes made under Metro authority.





**Metro**

**Alcohol-and-Drug-Free Work Environment Policy (HR 4-2)  
Appendix A**

---

**LISTING OF SAFETY-SENSITIVE JOB CLASSIFICATIONS BY TITLE  
(Revised 05/26/05)**

<i><u>JOB CODE</u></i>	<i><u>TITLE</u></i>	<i><u>REASON CODE</u></i>
9597#	Assistant Operations Control Manager	C
9640#	Assistant Operations Instruction Manager	C, O
7204	Assistant Manager, Rail Division Transportation	C, O
0782	Body Repairer "A"	M, O
0786	Body Repairer "A" Leader	M, O
0850	Bus Operator Full Time	O
0999	Bus Operator Part Time	O
0991	Bus Operator Part Time (BDOF)	O
0848	Bus Operator Trainee Full Time	O
0998	Bus Operator Trainee Part Time	O
0990	Bus Operator Trainee Part Time (BDOF)	O
0851	Bus Operator/Acting Transit Operations Supervisor	O
0856	Bus Operator/Extra Schedule Checker	O
0884	Cash Clerk/Relief Vault Truck Driver	L
9635#	Director of Operations Control	C, O
0803	Electronic Communications Technician	M, O
0815	Electronic Communications Technician Leader	M, O
4007	Equipment Maintenance Supervisor (EMS)	M
4008	Equipment Service Supervisor	M
0789	Facilities Systems Technician	M
0790	Facilities Systems Technician Leader	M
0777	Fare Collection Technician	O, M
0778	Fare Collection Technician Leader	O, M
4009	Field Equipment Technician	M
0830	Laborer "A"	L
0779	Machinist	M
0780	Machinist Leader	M
0762	Maintenance Specialist	M, L
0769	Maintenance Specialist Leader	M, L
0752	Master Mechanic	M
0753	Master Mechanic Leader	M
0817	Mechanic "A"	M, O, L
0814	Mechanic "A" Leader	M, O, L
0781	Mechanic "A" Leader - Temp	M, O, L
0812	Mechanic "AA"	M, O, L
0810	Mechanic "AA" Leader	M, O, L
0820	Mechanic "B"	M, O, L
0818	Mechanic "B" Leader	M, O, L
0822	Mechanic "C"	M, O, L

0821	Mechanic "C" Trainee	M, O, L
0754	Mechanic "D"	M
0775	Non-Revenue Rail Equipment Mechanic	M
0776	Non-Revenue Rail Equipment Mechanic Leader	M
9607	Operations Control Center Manager (Rail)	C, O
0784	Painter "A"	O, M
0787	Painter "A" Leader	O, M
3805	Project Engineer (CDL Holder, Equipment Engineering)	O
0767	Rail Body/Paint Repairer	M
0747	Rail Body/Paint Repairer Leader	M
4605	Rail Communications Supervisor	M
7203	Rail Division Transportation Manager	C, O
0763	Rail Electronic Communication Inspector	M
0758	Rail Electronic Communication Inspector Leader	M
7005	Rail Equipment Maintenance Supervisor (Rail EMS)	M
7212	Rail Integration and Instruction Manager	C, O
7205	Rail Transit Operations Supervisor (Rail TOS)	C, O
8202	Schedules Manager (Rail Technical Support & Integration only)	C
0363	Security Officer II	F
0423#	Security Officer/Canine Handler	F
0422	Sr. Security Officer	F
0829	Service Attendant	O, M
0827	Service Attendant Leader	O, M
0785	Service Attendant Leader - Temp	O, M
0764	Signal Inspector	M
0757	Signal Inspector Leader	M
0765	Track Inspector	M
0756	Track Inspector Leader	M
0766	Traction Power Inspector	M
0755	Traction Power Inspector Leader	M
0859	Train Operator Full Time	O
0997	Train Operator Part Time	O
0858	Train Operator Trainee Full Time	O
0996	Train Operator Trainee Part Time	O
9624	Transportation Division Dispatcher	C
8808	Transit Operations Dispatcher Full Time	C
8818	Transit Operations Dispatcher Part Time	C
9609	Transit Operations Supervisor (TOS) Full Time	C, O
9639	Transit Operations Supervisor (TOS) Part Time	C, O
8817	Transit Security Lieutenant	F
8804	Transit Security Manager	F
8816	Transit Security Sergeant	F
0931	Truck Driver/Clerk	L
0930	Sr. Truck Driver/Clerk	L
0826	Utility "A"	M, O
0824	Utility "A" Leader	M, O
0783	Utility "A" Leader - Temp	M, O
0974	Vault Truck Driver	L
0807	Warranty Equipment Mechanic	M, O
0792	Warranty Equipment Mechanic Leader	M, O

---

**SAFETY-SENSITIVE REASON CODES**

- O - Operates a revenue service vehicle, even when not in revenue service.
- M - Performs repair or routine maintenance of revenue service vehicles.
- C - Controls the movement of revenue service vehicles.
- L - Operates a non-revenue service vehicle requiring a Commercial Driver's License (CDL).
- F - Carries a firearm for security purposes.

Important Notes:

1. **Employees in other classifications/positions who obtain a CDL, at management's request, and operate a revenue vehicle for ANY reason, will be considered safety-sensitive and subject to:**
  - a. **Federal pre-employment drug and alcohol testing, prior to obtaining the CDL.**
  - b. **Inclusion in the random testing pool.**
  - c. **Random testing when selected, if they are performing safety-sensitive duties at any time during that particular testing period.**
2. List is subject to change as classification titles are amended, added or deleted.
3. Classifications marked with a "#" have been added to the list since the last formal revision, dated March 28, 2004.

