

**CORE
TRANSIT**



.....
Take the easy route

DRUG & ALCOHOL POLICY

EFFECTIVE: AUGUST 2024

Eagle Valley Transportation Authority is doing business as Core Transit

Adopted by: EVTA Board of Directors

Date Adopted: 08/01/2024

Last Revised: 08/01/2024

Contents

Purpose of Policy.....	3
Criminal Convictions.....	3
Categories of Employees.....	3
Prohibited Behavior	4
Legally Prescribed and Non-Prescription Drugs.....	5
Consequences for Violations.....	6
Circumstances for Testing.....	6
Pre-Employment Testing.....	6
Reasonable Suspicion Testing.....	7
Post-Accident Testing	7
Random Testing.....	8
Testing Procedures.....	9
Approved Testing Facilities	9
Testing Process.....	10
Drug Testing Procedures.....	10
Split Specimen Test.....	10
Observed Collections:.....	11
Alcohol Testing Procedures	11
Dilute Urine Specimen.....	12
Test Refusals.....	12
Voluntary Self-Referral	13
Contact Person.....	14
Improper Use of Policy.....	14
Attachment A: Safety-sensitive Positions.....	14

Purpose of Policy

Core Transit is dedicated to providing safe, dependable, and economical transportation services to the public, and to providing a healthy, safe and satisfying work environment for our employees. Core Transit employees must be able to work in a drug and alcohol-free work environment. It is the responsibility of all employees to report to work free of alcohol and prohibited substances. Core Transit employees are expected to prevent unsafe practices, including those of fellow employees.

This policy complies with all applicable federal regulations governing workplace drug and alcohol testing programs in the transportation industry, including those set forth by the U.S. Department of Transportation (“DOT”) and the Federal Transportation Administration (“FTA”), including 49 CFR Part 655, 49 CFR Part 40, and the Drug Free Workplace Act of 1988, each as amended. Copies of these regulations are available Safety & Training Supervisor’s office. 49 CFR Parts 40 and 655 can also be found at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

Portions of this policy are not FTA-mandated, and are instead set forth by Core Transit. Such portions are identified with italicized text.

Criminal Convictions

In accordance with the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify their supervisor or the People & Culture department no later than five (5) days after such conviction. *Additionally, any employee who is convicted of a felony involving off-site sale or distribution of a controlled substance, misdemeanor driving under the influence or felony driving under the influence, must immediately notify their supervisor within five (5) days of such conviction.*

Any employee who fails to comply with the reporting requirements set forth in this section, shall be subject to discipline up to and including termination:

Categories of Employees

All employees are required to comply with this Policy, however, pursuant to federal law, employees who perform safety-sensitive duties are subject to heightened drug

and alcohol testing requirements. Therefore, certain provisions of this Policy apply only to individuals performing safety-sensitive duties. Such provisions explicitly refer to “safety-sensitive” employees. “Safety-sensitive” employees shall mean employees (including contractors and volunteers, as applicable) who perform any of the following duties:

- Operate a revenue service vehicle, in or out of revenue service;
- Operate a non-revenue vehicle requiring a commercial driver’s license;
- Control movement or dispatch of a revenue service vehicle;
- Maintain (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service; and

Volunteers are exempt from testing unless they receive some form of remuneration above actual personal expenses or are required to hold a CDL to operate a Core Transit vehicle.

See Attachment A for a list of safety-sensitive positions by job title. This is not an all-inclusive list, and employees who are unsure of their employment status should ask their supervisor for clarification. Core Transit will endeavor to identify safety-sensitive positions in job offers and descriptions.

Prohibited Behavior

The use of illegal drugs (“Prohibited Drugs”) is prohibited by **all employees** at all times, regardless of whether an employee performs safety-sensitive duties. Prohibited Drugs include but are not limited to marijuana, cocaine, phencyclidine (PCP), opioids, and amphetamines.

All employees are prohibited from performing or continuing to perform any job duties while having an alcohol concentration of 0.02 or greater.

All employees are prohibited from consuming alcohol while performing any job duties. All safety-sensitive employees are prohibited from consuming alcohol while on-call to perform safety-sensitive job functions. If an *on-call safety-sensitive employee* has consumed alcohol, they must disclose such consumption to their supervisor prior to reporting for duty.

If the on-call safety-sensitive employee reports alcohol use but claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All safety-sensitive employees are prohibited from consuming alcohol within **eight (8) hours** prior to the performance of safety-sensitive job functions.

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

Legally Prescribed and Non-Prescription Drugs

Legally prescribed or non-prescription drugs or medications are normally not prohibited substances under this policy. A legally prescribed drug or medication is one for which the employee has a prescription or other written authorization from a licensed health care provider permitted by law, consistent with the Uniform Controlled Substances Act, to prescribe or dispense drugs or medications. "Medical Authorization" shall mean an authorization from a prescribing physician who is familiar with the employee's medical history; stating that the substance will not adversely affect the employee's ability to safely operate a motor vehicle; authorizing the employee to use the substance while on duty; and including the employee's name, the name of the substance, the amount to be taken, and the period of authorization.

It is important to note that the use of marijuana in any circumstances remains completely prohibited for all employees. The use of marijuana in any circumstance (including regardless of state recreational and/or medical marijuana laws) is a violation of this policy and, for safety-sensitive employees, constitutes a violation of DOT regulation 49 CFR Part 40, as amended.

If an employee is under the influence of or is using any prescription medication, prior to performing any employment-related duties, the employee must present an applicable Medical Authorization to the Drug and Alcohol Program Manager or, in their absence, the employee's direct supervisor. If an employee may be under the influence of or is using any over-the-counter drug or medication which may impair mental functioning, motor skills or judgment, before performing work-related duties the employee must present a Medical Authorization from the prescribing physician to use said drugs while on duty and must present the Medical Authorization to the Drug and Alcohol Program Manager or, in their absence, their employee's direct supervisor.

If an employee fails to follow the above procedure or misuses or abuses any drug or medication, the drug or medication may be considered a Prohibited Drug for purposes of disciplinary action under this policy.

Consequences for Violations

A “verified positive” test shall mean a (1) verified positive test for drug use, (2) confirmed positive test for alcohol (BAC at or above 0.02), or (3) test refusal as defined in this policy. Following a verified positive test result, *the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).*

Circumstances for Testing

As further set forth below, employees may be tested for drugs and alcohol in the following circumstances: pre-employment, post-accident, reasonable suspicion, and random. Testing shall be conducted in a manner to protect the rights of the employee, assure the integrity of the drug testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct employee. All testing will be conducted consistent with federal requirements at 49 CFR Parts 40, and 655.

Pre-Employment Testing

Pre-employment DOT drug *and alcohol* tests are conducted after making a contingent offer of employment or transfer to a safety-sensitive position. All pre-employment drug and alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.

An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

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

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

In addition to complying with the pre-employment testing requirements set forth herein, a safety-sensitive employee or applicant who has previously failed or refused a drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

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

A reasonable suspicion referral for testing will be made by a supervisor or other Core Transit official trained in the detection of drug use or alcohol misuse, and will be based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odors of the employee that are consistent with possible drug use and/or alcohol misuse. Core Transit will endeavor to administer alcohol tests within two (2) hours following a determination of reasonable suspicion. Core Transit shall not administer a reasonable suspicion alcohol test more than eight (8) hours following a reasonable suspicion determination.

A supervisor or Core Transit-designated representative will escort an employee undergoing reasonable suspicion testing to the collection site, and the employee will be immediately removed from job duties pending an investigation and testing results.

Post-Accident Testing

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

Fatal Accidents

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

Non-fatal Accidents

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

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the safety-sensitive employee can be completely discounted as a contributing factor to the accident; or
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene unless the safety-sensitive employee can be completely discounted as a contributing factor to the accident.

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

Following an accident, Core Transit will endeavor to conduct alcohol tests within two (2) hours and drug tests as soon as practicable. Core Transit shall not administer post-accident alcohol testing more than eight (8) hours following the accident and shall not administer post-accident drug testing more than thirty-two (32) hours following the accident.

A safety-sensitive employee subject to post-accident testing must remain readily available for such testing, including notifying the employer of the employee's location if the employee leaves the scene of the accident. Failure to remain readily available may be considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

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

FTA Drug and Alcohol Policy – Core Transit

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

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

A safety-sensitive employee will only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A safety-sensitive employee may be randomly tested for prohibited drug use anytime while on duty.

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

If an employee is on leave and they are selected for a random test, Core Transit will wait until the employee returns to work to test the employee as long as the testing occurs during the current selection period.

Testing Procedures

Testing shall be conducted in a manner to protect the rights of the employee, assure the integrity of the drug testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct employee. All drug and alcohol testing will be conducted in accordance with 49 CFR Parts 40 and 655, as amended.

Approved Testing Facilities

PROCOM | MCC DRUG & ALCOHOL SCREENING

P: 970 945 7772 F: 719 296 0325 After Hours: 970.948.5298
2001 Blake Ave #2d, Glenwood Springs, CO 81601

Doctors on Call

FTA Drug and Alcohol Policy – Core Transit

142 Beaver Creek Place
Avon, CO 81620(970) 949-5434

Vail Emergency Department

Phone: (970) 479-7225
180 South Frontage Road West | Vail, CO 81657
Open 24 hours a day - 7 days a week

Testing Process

Core Transit will use a designated a medical review officer (“MRO”) to receive drug test results and evaluate, interpret and verify the results in accordance with 49 CFR Parts 40 and 655. The MRO will ensure the validity and accuracy of test results.

In the event of an initial positive laboratory test result, the MRO will attempt to directly contact the employee for a discussion of initial positive test results. If the MRO is unable to contact the employee after making all reasonable efforts and documenting them, the MRO shall contact the Designated Employer Representative (“DER”) who shall direct the employee to contact the MRO immediately and inform the employee of the consequences of failing to contact the MRO within the next seventy-two (72) hours. It is the employee's responsibility to call the MRO back after the MRO or DER has notified him/her of the need to do so.

Drug Testing Procedures

Drugs to be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP). An initial drug screen will be conducted on each specimen at a laboratory certified by the U.S. Department of Health and Human Services (DHHS). For specimens that are not negative, a second, confirmation, test will be performed. The second test will be considered a "verified positive" test under this policy if the amounts present in the confirming test are at or above the minimum thresholds established by federal regulations at 49 CFR Part 40 and the MRO determines that the positive results were caused by the use of Prohibited Drugs.

Split Specimen Test

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

Any employee disputing the results of a required drug test under this policy may, within seventy-two (72) hours of notice of the initial test results, request that an additional test be conducted. The additional test shall be conducted at a different DHHS-certified testing laboratory on a split sample provided at the same time as the original sample. Core Transit will ensure that the cost for the split specimen is covered in order for a timely analysis of the sample, however, Core Transit will seek reimbursement for all costs for such testing from the employee unless the second test invalidates the first test. The methods of collecting, storing and testing the split sample will be consistent with 49 CFR Part 40.

Observed Collections:

Consistent with 49 CFR part 40, as amended, collection under direct observation with no advance notice will occur if:

1. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Core Transit's Designated Employee Representatives that there was not an adequate medical explanation for the result; or
2. The MRO reports to Core Transit's Designated Employee Representatives that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
3. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with the specimen. The temperature on the original specimen was out of range.
4. The original specimen appeared to have been tampered with.
5. The specimen was super-diluted (as defined in 49 CFR Part 40.197(b)(1))

Alcohol Testing Procedures

Alcohol tests will be performed in accordance with 49 CFR Part 40, as amended, by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second, confirmation, test will be performed. The confirmation test must be conducted no sooner than fifteen (15) minutes and no later than thirty (30) minutes after the screening test and can only be administered with an Evidential Breath Testing Device (EBT) by a certified Breath Alcohol Technician. If the confirmation test indicates an alcohol concentration of 0.04 or greater, the confirming test will be considered a "verified positive" test under this policy.

Dilute Urine Specimen

In the event of a negative dilute test result, Core Transit will follow MRO recommendations, including requiring a recollection if so directed.

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

Test Refusals

An employee is considered to have refused compliance with the Core Transit Drug and Alcohol policy in the event of any of the following:

- (1) Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by Core Transit.
- (2) Failure to remain at the testing site until the testing process is complete. Except that an employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Failure to provide a specimen for a drug or alcohol test. Except that an employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, failure to permit monitoring or observation of the employee's provision of a specimen.
- (5) Failure to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Failure or declining to take a second drug test as directed by the collector or Core Transit.
- (7) Failure to undergo a medical evaluation as required by the MRO or Core Transit's DER.
- (8) Failure to cooperate with any part of the testing process.
- (9) Failure to follow an observer's instructions to raise and lower clothing and turn around during a observed urine specimen test.
- (10) Possession or wearing a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admission to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refusal to sign the certification at Step 2 of the Alcohol Testing Form .
- (13) Failure to remain readily available following an accident.

(14) An MRO's report that an employee has a verified adulterated or substituted test result.

Employees who refuse to take a drug and/or alcohol test, incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and provided with contact information for SAPs, and may be subject to discipline up to and including termination.

Voluntary Self-Referral

Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing and has not refused a drug or alcohol test may voluntarily refer her or himself to the Safety & Training Supervisor or People & Culture Department, who will refer the individual to a substance abuse counselor for evaluation and treatment. Such employee will not be subject to discipline for self-referral or participation in a treatment program.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees participating in or completing treatment or rehabilitation programs will continue to be required to comply with Core Transit performance standards, policies, rules, and applicable laws and regulations, and will be subject to discipline if these are violated.

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

Core Transit offers an Employee Assistance Program (EAP) which is confidential, voluntary, and independent of Core Transit. EAP counselors can provide drug or alcohol treatment and/or rehabilitation programs. Employees can call the EAP office directly and confidentially at Mountain Strong or CEBT insurance to obtain additional information and to make an appointment. Alternatively, Core Transit encourages appropriate treatment or rehabilitation programs with qualified professionals of the employee's choice.

Contact Person

For questions about Core Transit's Drug and Alcohol program, contact the Safety & Training Supervisor, the Operations Manager, or the Director of Transportation.

Improper Use of Policy

Supervisors, managers and employees are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any employee who knowingly disregards the requirements of this policy, or who deliberately misuses or misapplies this policy against any other employee, will be subject to discipline up to and including termination

Attachment A: Safety-sensitive Positions

Bus Operator

Road Supervisor

Dispatcher

Operations Manager

Operations Supervisor

Safety and Training Supervisor

Lead Trainer

Trainer

Demand Response and Paratransit Coordinator

Paratransit Driver

Special Service Driver

Fleet Care Technician

VTC Lot Supervisor