

Santa Clara
Valley Transportation Authority
Substance Abuse Control Program

Drug and Alcohol Policy

For Safety-Sensitive Employees
under FTA Regulations

**PERSONNEL POLICIES AND PROCEDURES
POLICY NO. 421**

**DRUG AND ALCOHOL POLICY
FOR
SAFETY SENSITIVE EMPLOYEES
UNDER
FTA REGULATIONS**



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DRUG AND ALCOHOL	POLICY	
	Document Number:	AS-HR-PL-4031
	Version Number:	04

1.0 Purpose:

The purpose of this Policy is to comply with all Federal regulations mandated by FTA Drug and Alcohol regulations for the transit industry. These include the Federal Transit Administration (FTA) Drug and Alcohol Testing Regulations (49 CFR, Part 655) and the U.S. Department of Transportation (DOT) standards for collection and testing (49 CFR, Part 40), as amended.

The FTA adopted 49 CFR, Part 655, which mandates drug testing, and breathalyzer alcohol testing, for employees performing safety-sensitive functions. These regulations prohibit performance of safety-sensitive functions when there is a positive test result. The FTA regulations require an annual random testing percentage of safety-sensitive employees for drug testing, and an annual testing percentage of safety-sensitive employees for alcohol testing. The Department of Transportation adopted 49 CFR, Part 40, which sets standards for the collection and testing of specimens and verification of test results.

1.1 The purpose of this Policy further includes:

- To detect, deter, educate about, and prevent abuse of drugs and alcohol;
- To maintain a safe and efficient transportation system;
- To establish a safe, drug-free and alcohol-free workplace, and to maintain a work environment free of drug and alcohol related performance problems, accidents, and injuries;
- To provide assistance towards rehabilitation for any employee who seeks VTA's help in overcoming addiction to, dependence on, or problems with alcohol or drugs.

1.2 Cost of Use/Abuse

The cost of substance misuse/abuse is devastating to society, the workplace, the family, and individuals. Two-thirds of all homicides are committed by people who used drugs or alcohol prior to the crime. Two-thirds of all Americans will be involved in an alcohol-related accident during their lifetimes

The medical costs of illness related to substance misuse/abuse are staggering. Each year, 30,000 people die due to alcohol-caused liver disease. Another 10,000 die due to alcohol induced brain disease or suicide.

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1.2.1 Symptoms of Substance Abuse Problems:

- Tardiness
- Alcohol odor on breath
- Overreaction to real or imagined criticism
- Subject of complaints from clients or co-workers
- Avoidance of associates
- Lowered job efficiency
- Confusion
- Difficulty in concentration
- Accidents on the job
- Absenteeism
- Leaving work early
- Excessive Sick Leave
- Frequent unscheduled short-term absences
- Higher absentee rate compared to other worker

1.2.2 Besides the human costs just described, substance-abusing employees create business costs and legal liabilities for their employers:

- Direct and measurable costs, such as the additional health care benefits claimed by substance abusers.
- Less tangible and difficult to measure costs, such as the negative impact on employee morale or the diminished creativity of substance abusing individuals.
- Potential costs or “liabilities” such as a lawsuit filed by an injured party after an accident caused by the impaired employee.

These costs arise because of the effects of substance abuse in many areas, including:

- | | | |
|----------------------------|---------------------|------------------------------------|
| -Employee Health | -Intoxication | -Employee Morale |
| -Productivity | -Sensory Alteration | -Fetal Alcohol Syndrome |
| -Decision Making | -Anxiety Reduction | -Dependence |
| -Security | -Toxic Psychosis | -Safety |
| -Neurologic & Liver Damage | | -VTA Image and Community Relations |

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2.0 Scope:

Safety-Sensitive Employees

This Policy applies to all employees in safety-sensitive classifications, and those who promote, demote, or transfer into safety-sensitive classifications, and employees of contractors who perform safety-sensitive functions. Under FTA Drug and Alcohol Testing procedures and regulations, safety-sensitive employees are required to comply with all FTA mandated drug and alcohol regulations as a condition of employment. They are subject to pre-employment/pre-duty drug testing, and both drug and alcohol testing for transfer (change of class to a safety-sensitive position), reasonable suspicion, post-accident, random, return-to-duty, and follow-up testing.

In the case of alcohol testing, “performing a safety-sensitive function” includes any period in which the employee is actually performing, ready to perform, is immediately available to perform, or has just performed a safety-sensitive function. For alcohol testing, this Policy applies to breaks or lunch periods when an employee is scheduled to work, because the regulations prohibit use of alcohol within four hours of work.

Safety-sensitive classifications are defined as classifications of work performing, or ready to perform any duty related to the safe operation of mass transit vehicles. (See Exhibit A- Safety Sensitive Classifications).

Safety sensitive functions include:

1. Operation of a revenue service vehicle, whether or not in revenue service;
2. Operation of a non-revenue service vehicle when required to be operated by a holder of a Commercial driver’s license;
3. Controlling the movement or dispatch of a revenue service vehicle;
4. Maintaining a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes, as required by VTA; and;
6. Supervisors who perform any of the above functions or whose job description includes any of the above functions.

Participation in the substance abuse testing program is a condition of employment for each safety-sensitive employee.

3.0 Responsibilities:

3.1 Management and Supervisory Responsibilities:

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Individually, a Manager or Supervisor must:

- A. Complete 60 minutes of training in alcohol and 60 minutes of training in drug abuse, and be fully conversant with this Policy and related procedures;
- B. Ensure that his or her employees are properly trained in the policies and procedures, and in the dangers of drug and alcohol abuse;
- C. Be knowledgeable about VTA's Employee Assistance Program and VTA's Substance Abuse Program;*
- D. Conduct investigations promptly and properly when he or she suspects that an employee may be impaired or affected by drug or alcohol use;
- E. Initiate investigations promptly and properly when he or she suspects the presence of drugs or alcohol in the workplace or during work time, including lunch or breaks. Steps to initiate an investigation may include arranging for the confiscation of any unauthorized drugs, alcohol, or related paraphernalia in the workplace or on VTA property;*
- F. Follow the reasonable suspicion procedure to determine whether drug or alcohol testing is appropriate and, if so, initiate testing, if the supervisor suspects the employee is impaired or affected by drug or alcohol use;
- G. Remove an employee from the performance of safety-sensitive functions following a verified positive breath alcohol test or drug test;

3.2 Contractors and Vendors:

Any and all contractors and vendors hired to provide services for VTA that are safety-sensitive in nature are required to follow procedures that comply with the collection and testing standards of the Department of Transportation (49 CFR, Parts 40 and 655) "Federal Rules".

3.3 Designated Employer Representative:

Questions regarding this Policy or any other aspect of the Valley Transportation Authority Substance Abuse Control Program should be directed to the office of:

NAME: Juan-Mateo Delgado

TITLE: Human Resource Analyst, Substance Abuse Control Program

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ADDRESS: Santa Clara Valley Transportation Authority
3331 N. First St., Bldg. B
San Jose, CA 95134

PHONE: (408) 952-8957

4.0 *Policy:*

The Valley Transportation Authority is dedicated to providing transit services that are convenient, safe, efficient, and effective. VTA employees are our most valuable resource. It is VTA policy to:

- 1) Take appropriate action to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- 2) Provide a drug and alcohol free environment for all employees and patrons;
- 3) Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of Controlled substances (as defined in the Controlled Substances Act);* and
- 4) Encourage employees to voluntarily seek professional assistance whenever personal problems, including alcohol and drug use, adversely affect their ability to perform their assigned duties.*

All employees are encouraged to make use of the available resources for treatment of alcohol and substance abuse problems. Employees who may be experiencing the pressures and problems of substance abuse and/or related problems are urged to seek help through the Employee Assistance Program (EAP) and/or Substance Abuse Professional (SAP).

VTA's Drug and Alcohol Policy includes several components for prevention and intervention. To promote a drug free workplace and comply with FTA regulations, VTA provides supervisory and employee education, a contract for EAP and SAP services, and a substance abuse professional to work with employees who test positive or who self-refer. Employees may self-refer without any fear of discipline.*

Alcohol and drug abuse are conditions that can be treated. VTA promotes a voluntary rehabilitation program to encourage employees to seek professional assistance through VTA's Employee Assistance Program (EAP) prior to testing positive for drugs or alcohol. Employees seeking assistance should self-identify to their Superintendent, Supervisor, Manager or the Substance Abuse Control Program Manager.

Under such conditions, VTA will assist employees who demonstrate their willingness to

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seek and accept professional help with referrals to the EAP and treatment programs under VTA provided medical plans.*

Questions regarding self-referral may be directed to Juan-Mateo Delgado, Human Resource Analyst, at (408) 952-8957, to the employee's Supervisor, Superintendent, or Manager, or to the employee's union representative.*

5.0 Procedure:

5.1 Prohibited Substances:

5.1.1 Prohibited Illegal Substances

FTA regulations specify that safety-sensitive employees are prohibited from consuming any of the following five substances, at all times. The FTA mandates testing for their presence:

- Marijuana
- Cocaine
- Opiates
- Codeine Morphine
- 6-Acetyl Morphine**
- Phencyclidine (PCP)
- Amphetamines (**MDMA**)

5.1.2 Alcohol

“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol. An employee is prohibited from reporting or remaining on duty when his or her ability to perform assigned functions is adversely affected or when his or her breath alcohol concentration is .02 or greater. No employee shall have used alcohol within four hours of reporting for duty.

5.1.3 Legal Drugs

A legally prescribed drug is a drug for which an individual has a prescription or other written approval from a physician for use in the course of medical treatment. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. Employees who take medications that impair, or may impair, their ability to perform their job safely are required to advise VTA of this before reporting to work or, if on the job, immediately. The misuse of legal drugs while performing transit business is prohibited.*

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Any employee taking prescription or over-the-counter medications including but not limited to those medications that contain alcohol, and has the potential to adversely affect job performance must report this treatment to his/her immediate supervisor before reporting to perform work. If the medication is taken at work, the employee must immediately notify his/her supervisor. In the event a supervisor is not on-duty or is unavailable, the employee is required to notify the next level of supervision and/or the Substance Abuse Control Program Unit. (It is strongly recommended that employees read all over-the-counter medication labels or other pertinent information accompanying such medication(s) in effort to identify any risks. If the employee is uncertain as to the effect of the medication, they should err on the side of safety and report the treatment to their supervisor).

An employee who is taking prescription and/or over the counter drug(s), that has the potential to adversely affect job performance, must obtain a signed statement from a physician stating that the use of the drug(s) at the prescribed or authorized dosage is consistent with the safe performance of the employee's safety sensitive duties. The signed statement must be presented to the employee's supervisor before performing safety-sensitive duties. If the physician cannot provide an assurance that the employee's job duties can be performed safely while taking Rx/OTC drug(s), the employee will be removed from safety-sensitive functions, placed on sick-leave, and the physician will be asked to determine the duration of the employee's medical disqualification.

5.2 Prohibited Conduct:

Manufacture, trafficking, possession, and use of controlled substances

All VTA employees are subject to the provisions of the federal Drug Free Workplace ACT of 1988 and the California Drug Free Workplace Act of 1990. (See VTA Policy #416).* Under these Acts, all employees are prohibited from using or possessing any illegal drugs or alcohol during work time, including lunch or breaks.*

Employees are prohibited from engaging in the manufacture and distribution of controlled substances. Law enforcement officials will be notified as appropriate, where criminal activity is suspected.* (VTA Policy & Drug Free Workplace Act)

VTA Policy – Drugs & Alcohol

Intoxication, use, and possession of prohibited drugs and alcohol while on duty or while in uniform is prohibited.*

FTA Regulations – Alcohol

No safety-sensitive employee shall use alcohol while on duty or while performing safety-

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sensitive functions. Random alcohol testing is permissible 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.

If an employee is called back to work, the employee must be given the opportunity to acknowledge the use of alcohol at the time of being called to report to duty, and to indicate whether he or she is able to perform his or her safety-sensitive function. No safety-sensitive employee shall have used alcohol within four hours of reporting for duty or work. The regulations require that a safety-sensitive employee, who acknowledges the use of alcohol but claims to be able to perform safety-sensitive functions, must take an alcohol test.

5.3 Drug/Alcohol History:

Applicants for safety-sensitive positions, including VTA employees who transfer into a safety-sensitive position, must provide written consent to obtain information about their drug/alcohol testing and treatment history from all DOT-regulated employers who have employed the applicant/transferee at any time during a two-year period prior to the date of the application and/or transfer to safety sensitive duties. Additionally, the applicant/transferee shall indicate whether he/she has tested positive, or refused, on any DOT pre-employment drug or alcohol test administered by an employer with whom the applicant/transferee applied for employment but was not hired.

Should the applicant/transferee have tested positive on a DOT drug or alcohol test, the applicant/transferee must provide documentation of successful completion of the return to duty process upon request.

5.4 Categories of Required Tests:

- A. Pre-Employment
 - New Hires
 - Transfers
 - Return from Leave/Resumption of Safety Sensitive Duties
- B. Reasonable Suspicion
- C. Post-Accident
- D. Random
- E. Return-To-Duty (**mandatory observed collection)
- F. Follow-Up (**mandatory observed collection)

See Appendix D for details regarding types of tests and testing procedures.

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5.5 Referral To Substance Abuse Professional:

Substance Abuse Professional (SAP). FTA regulations require that employees with positive drug or alcohol tests must be referred for assessment and evaluation by a Substance Abuse Professional before being allowed to return to work. The regulations require a referral regardless of whether an employee is discharged or given a second chance.

Applicants, who are not already employed by VTA, who test positive on a pre-employment test will be provided with a list of Substance Abuse Professionals from whom they may seek assessment and evaluation. Applicants who refuse to test will also be referred to a SAP.

The Substance Abuse Professional (SAP) must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders. The SAP's role is to evaluate the employee's need for assistance in resolving problems related to alcohol or drug abuse, determine if the employee has complied with recommended treatment or rehabilitation, and to determine a program of follow-up testing.

The SAP will assess the employee and determine if the employee should be referred to a substance abuse assistance program or other rehabilitation program. Under FTA regulations, the employee must comply with the recommendations of the Substance Abuse Professional to be returned to work.

Employees referred to an SAP will receive a copy of the SAP's recommended treatment.

Failure to comply with the substance abuse professional's recommendations may be grounds for discipline up to and including discharge. Discipline will be in accordance with disciplinary guidelines contained in agreements with the collective bargaining units (Exhibit C).*

It is the responsibility of employees to seek assistance from a substance abuse professional before alcohol or drug problems lead to disciplinary action. Enrollment and participation in a substance abuse assistance program will not be used against an employee in a disciplinary proceeding. However, enrollment and participation in the substance abuse assistance program will not exempt an employee from discipline if the employee violates FTA regulations or this Policy. If an employee violates this Policy, his or her subsequent use of a substance abuse professional, employee assistance professional, or substance abuse assistance program will have no bearing on the determination of disciplinary action.*

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An employee who self refers and successfully participates in a drug or alcohol rehabilitation program will be subject to clearance by a Substance Abuse Professional, return-to-duty and follow-up testing.*

5.6 Consequences of Positive Test Result:

An employee with a verified positive test result will be removed from service (if they have not already been removed from service) and referred to the Substance Abuse Professional. The employee must comply with the recommendations of the Substance Abuse Professional, pass a return-to-duty test, and submit to follow-up testing for up to five years. Employees who violate these provisions may be subject to discipline up to and including discharge, depending on the circumstances, in accordance with disciplinary guidelines contained in the applicable agreements with the collective bargaining units (Exhibit C).*

5.6.1 The Authority may take action against an employee who:

1. Tests positive for drugs in an amount which exceeds the standards established by the Department of Transportation and the Substance Abuse and Mental Health Services Administration;
2. Tests positive for alcohol in a breath alcohol concentration of .02 or greater under its own authority;
3. Tests positive for alcohol in breath concentration of .04;
4. Refuses required testing, or refuses to cooperate with testing procedures;
5. Interferes with testing procedures, alters, substitutes, or adulterates a sample for purposes of affecting the validity of a test;
6. Fails to comply with the Substance Abuse Professional or the provisions of a rehabilitation or after care program;
7. Has used or possessed drugs or alcohol during work time, including lunch or breaks, or on VTA property, regardless of whether the employee is found to have alcohol or drugs in his or her system at or above the cut-off levels for a positive test.*

FTA regulations require that the employee comply with the recommendations of the Substance Abuse Professional, including the terms and conditions for rehabilitation and after care.

5.6.2 Appeal Rights

The provisions of federal law under this program and the medical directives or opinions issued by those empowered under the federal law, are not subject to re-

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dress under a negotiated grievance procedure.

Employees have rights to appeal any discipline issued as a result of a positive drug or alcohol test through the grievance and arbitration procedures provided for in their Collective Bargaining Agreement or VTA's Personnel Policies and Procedures.

If an employee who is discharged for violation of this Policy is subsequently reinstated by an arbitrator, he or she may be required to be assessed and cleared by a Substance Abuse Professional to return to work, and must successfully adhere to the terms and conditions of rehabilitation, after care, return to duty and/or follow-up testing as determined by the Substance Abuse Professional, and must have a negative return-to-duty test result. *

6.0 Confidentiality of Records:

Release of Information: VTA will make every effort to ensure confidentiality throughout the testing process and to protect the employee's right to dignity and privacy.

The employee has an unqualified right to review his/her drug and alcohol testing records, and to have access to any pertinent records such as equipment calibration records and records of laboratory certifications. The employee is entitled, upon written request, to review and obtain copies of any records relating to his or her drug and alcohol testing and to provide information to dispute the results. VTA shall promptly provide the records requested by the employee. Access to the employee's records shall not be contingent upon payment for records other than those specifically requested.

All test results are confidential. Records are kept separate and secure from all other employee personnel records and access and release is limited. Release of any information is prohibited without the written consent of the employee, except as required by law or FTA regulations, as follows: the collection site, testing laboratory, MRO, SAP, or designee; pursuant to a lawful court order or other law requiring disclosure; or in connection with a VTA disciplinary, grievance, arbitration, or other legal proceeding arising from a certified positive drug or alcohol test or from VTA's determination that the employee engaged in conduct prohibited under FTA rules, or when requested by a State oversight agency, the Secretary of Transportation or National Transportation Safety Board in a post-accident investigation.

7.0 Definitions:

N/A.

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8.0 Records Maintained:

The regulations require that VTA maintain records of its substance abuse program in a secure location with secured access. Records must be maintained as follows:

- Results of negative drug tests and alcohol tests less than .02 – one year
- Records of collection and training – two years
- Records of verified positive drug tests & alcohol tests .02 or greater – five years
- Documentation of Refusals – five years
- Calibration documentation – five years
- Referrals to the SAP and evaluations – five years
- Reports to the FTA – five years
- Records of blind sampling testing - two years

The laboratory maintains all records relating to urine specimen analysis in confidence for at least two years. The laboratory may not disclose such records to anyone other than the employer, the employee, or the decision maker in a lawsuit, grievance, or other proceeding initiated by the employee and arising from a verified positive drug test result.

9.0 Appendices:

Exhibit A: Safety Sensitive Classifications

Exhibit B: Drug and Alcohol Contractors

Exhibit C: Agreement Between VTA and 521, ATU and AFSCME Regarding Implementation of FTA Mandated Drug and Alcohol Testing For Safety Sensitive Employees;

Exhibit D-1: Drug and Alcohol Collection and Testing Procedures – General

Exhibit D-2: Post Accident Testing

Exhibit D-3: Reasonable Suspicion Testing

Exhibit D-4: Pre-Employment Testing

Exhibit D-5: Random Testing Procedures

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Exhibit D-6: Return To Duty and Follow-Up Testing

Exhibit E: Employee Substance Abuse Rehabilitation Loan Fund Highlights

Exhibit F: Drug and Alcohol Testing Procedure Fact Sheets

10.0 *Education and Training Requirements:*

All supervisory personnel shall receive a minimum of two hours of training on the recognition of drug and alcohol use or misuse (one hour on alcohol, and one hour on drugs). The Authority will provide information regarding VTA's drug and alcohol testing program, which shall include:

- Written notice to every covered employee and labor organization of alcohol and drug policies and procedures;
- Display and distribution of informational material;
- A community service hot line for employee assistance;
- Distribution of the Policy;
- A training program of at least one hour for employees, providing information on the effects and consequences of drug use.

11.0 *Summary of Changes:*

Direct Observation collections are mandatory for all DOT Return-to-Duty and Follow-Up drug testing effective August 31, 2009. The procedures are detailed in the procedures section of the policy. MDMA, MDA, MDEA (aka Ecstasy) and Heroin were added to the drug testing panel effective October 1, 2010.

Cocaine cutoff levels were lowered from 300 ng/ml to 150 ng/ml for initial tests and 150 ng/ml to 100 ng/ml for confirmatory tests.

Amphetamine cutoff levels were lowered from 1,000 ng/ml to 500 ng/ml for initial tests and 500 ng/ml to 250 ng/ml for confirmatory tests.

Several DOT testing definitions were aligned with those of HHS. The new or modified definitions are "Adulterated specimen," "Confirmatory drug test," "Initial drug test (also known as a Screening drug test)," "Initial specimen validity test," "Invalid drug test," "Positive result," "Reconfirmed," "Rejected for testing," "Split specimen collection." The term "Initial validity test" was removed

This Policy was updated to the new format and replaces Policy 421- Drug and Alcohol Policy for Safety-Sensitive Employees Under FTA Regulations.

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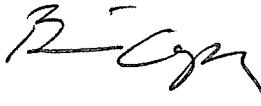
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Policy revision regarding “legally prescribed medications” to address NTSB Safety Recommendations R-01-26.

This policy and program was revised on December 30, 2014.

Date originally adopted by VTA Board of Directors: October 10, 2002

12.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Juan-Mateo Delgado Human Resource Analyst Substance Abuse Control Program	 Bill Lopez Chief Administrative Officer	 Nuria I. Fernandez General Manager/CEO

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Exhibit A

DRUG AND ALCOHOL TESTING PROCEDURES

SAFETY SENSITIVE CLASSIFICATIONS



Exhibit A
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

Safety-Sensitive Employee Matrix

Safety-sensitive Employee job functions:	Definition	Job Titles, classifications	Department
Operates a revenue service vehicle	Operates a revenue service vehicle, including when not in revenue service	<ul style="list-style-type: none"> * Light Rail Operator * Light Rail Technical Trainer * Light Rail Technical Training Supervisor * Operator * Paint & Body Foreperson * Paint & Body Foreperson LRT * Paint & Body Worker * Paint & Body Worker LRT * Technical Trainer * Technical Training Supervisor * Upholsterer * Upholsterer Foreperson 	Transportation Transportation Transportation Transportation Maintenance Maintenance Maintenance Maintenance Transportation Transportation Maintenance Maintenance
Dispatches or moves trains	Controls or dispatches movement of a revenue service vehicle	<ul style="list-style-type: none"> * Assistant Superintendent – Field Operations * Assistant Superintendent – Transit Communications * Dispatcher – Bus * Dispatcher – LRT * Dispatcher – Supervisor * Transit Division Supervisor * Transit Radio Dispatcher * Transportation Superintendent * Transportation Supervisor 	Transportation Transportation Transportation Transportation Transportation Transportation Transportation Transportation Transportation

Exhibit A
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

Safety-Sensitive Employee Matrix

Safety-sensitive Employee job functions:	Definition	Job Titles, classifications	Department
Supervisor	Supervisor who performs any of these functions or whose job description includes any of these functions	<ul style="list-style-type: none"> * Assistant Superintendent – Field Operations * Assistant Superintendent – Transit Communications * Dispatcher Supervisor * Light Rail Equipment Superintendent * Light Rail Power Supervisor * Light Rail Signal Supervisor * Light Rail Station & Wayside Maintenance Supervisor * Light Rail Technical Trainer * Light Rail Technical Training Supervisor * Light Rail Track Maintenance Supervisor * Light Rail Vehicle Maintenance Supervisor * Light Rail Way, Power & Signal Superintendent * Maintenance Instructor – Bus * Maintenance Instructor – Light Rail * Maintenance Superintendent * Overhaul & Repair Foreperson * Supervising Maintenance Instructor * Technical Trainer 	Transportation Transportation Transportation Maintenance Maintenance Maintenance Maintenance Maintenance Transportation Transportation Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Transportation

Exhibit A
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

Safety-Sensitive Employee Matrix

Safety-sensitive Employee job functions:	Definition	Job Titles, classifications	Department
Supervisor (continued)		<ul style="list-style-type: none"> * Technical Training Supervisor * Transit Division Supervisor * Transit Foreperson * Transit Maintenance Supervisor * Transit Warranty Coordinator * Transportation Superintendent * Transportation Supervisor * Upholsterer Foreperson 	Transportation Transportation Maintenance Maintenance Transportation Transportation Transportation Maintenance
Provides maintenance of trains and/or revenue service equipment	Maintains or repairs a revenue service vehicle or equipment used in revenue service	<ul style="list-style-type: none"> * Electro Mechanic * Electronic Technician – LRT * Electronic Technician – System * Foreperson – LRT * Lead Maintenance Worker – LRT * Light Rail Signal Maintainer * Maintenance Instructor – Bus * Maintenance Instructor – Light Rail * Maintenance Superintendent * Maintenance Worker – LRT * Overhaul & Repair Foreperson * Overhaul & Repair Mechanic * Overhead Line Worker * Senior Track Worker * Service Mechanic * Service Worker – Bus 	Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance

Exhibit A
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

Safety-Sensitive Employee Matrix

Safety-sensitive Employee job functions:	Definition	Job Titles, classifications	Department
Provides maintenance of trains and/or revenue service equipment (continued)		* Service Worker – LRT * Service Worker – System * Substation Maintainer * Support Mechanic * Track Worker * Transit Foreperson * Transit Maintenance Supervisor * Transit Mechanic * Transit Mechanic – G	Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance Maintenance
Carries a firearm	Provides security and carries a firearm for security purposes	* Contractor-Allied Barton	NA
Commercial Driver's License Required	Operates a non-revenue service vehicle requiring a Commercial Driver's License	* Track Workers * Overhead Line Workers * Substation Maintainer * Transit Center Maintenance Worker	Maintenance Maintenance Maintenance Maintenance

Exhibit B

**DRUG AND ALCOHOL
TESTING PROCEDURES**

DRUG AND ALCOHOL CONTRACTORS



EXHIBIT B
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

DRUG AND ALCOHOL CONTRACTORS

◊ **Collection Sites:**

U.S. Health Works Medical Group
1197 East Arques Avenue
Sunnyvale, CA 94086
(408) 773-9000

U.S. Health Works Medical Group
1717 South Main Street
Milpitas, CA 95035
(408) 957-5709

U.S. Health Works Medical Group
988 Walsh Avenue
Santa Clara, CA 95050
(408) 988-6868

(Regular and after hours tests)
U.S. Health Works Medical Group
1893 Monterey Road, Suite 200
San Jose, CA 95122
(408) 288-3800
(408) 820-0902 (After hours)

◊ **Laboratories**

Phamatech, Inc.
10151 Barnes Canyon Road
San Diego, CA 92121
(888) 635-5840

◊ **Medical Review Officers (MROs)**

Donald Bucklin, M.D.
Spencer Olsen, M.D.
Ernest C. Lee, M.D.
U.S. Health Works National Medical Review Officer
28038 Avenue Stanford
Valencia, CA 91355
(800) 340-3810

◊ **Substance Abuse Professionals (SAPs)**

Free Life Enterprises

Roland Williams, NCAC II, Owner

3902 McDougald Boulevard

Stockton, CA 95206

(415) 845-1174

Ronald Caracter, NCAD, CADCII, ICADC, C.A.T.S., CRPS

115 E. Wayne Court

Redwood City, CA 94063

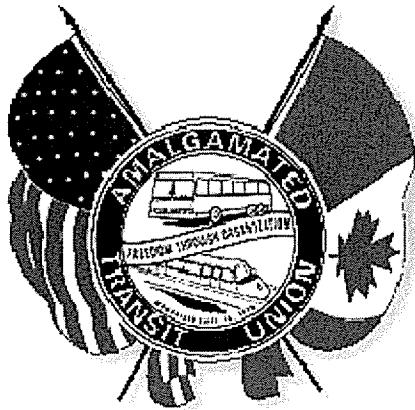
(510) 978-8674

roncsr@hotmail.com

Exhibit C-1

Agreement

between



**AMALGAMATED TRANSIT UNION,
LOCAL 265 (ATU)**

and



**SANTA CLARA
VALLEY TRANSPORTATION AUTHORITY (VTA)**

**REGARDING IMPLEMENTATION
OF FTA MANDATED
DRUG AND ALCOHOL TESTING
FOR
SAFETY SENSITIVE EMPLOYEES**

AGREEMENT BETWEEN VTA AND ATU REGARDING
IMPLEMENTATION OF
FTA MANDATED DRUG AND ALCOHOL TESTING
FOR SAFETY SENSITIVE EMPLOYEES

SUBSTANCE ABUSE DETECTION, DETERRENCE
AND REHABILITATION PROGRAM

This program was negotiated between the Santa Clara Valley Transportation Authority (VTA) and the Amalgamated Transit Union (ATU), Local 265.

The goal of this Program is to achieve a drug and alcohol-free work place in the interest of the health and safety of employees and the public. The primary principle is to deal with drug, alcohol and related substance abuse problems as early as possible and before any work place problem or mandated FTA tests subject's employees to disciplinary action. It is important that employee absences from safety-sensitive work be kept to a minimum without sacrificing the goal of a drug-free and alcohol-free work place.

This Program's purposes are to detect and deter drug and alcohol abuse and dependency in the VTA's work place. The parties seek a quick and complete resolution of all substance abuse problems and referrals; therefore, VTA will consider new or alternate collection sites, rehabilitation programs as reflected in exhibit C.

VTA will provide new safety sensitive employees with the FTA Mandated 60 minutes training and education. VTA will make available up to 60 minutes of training and educational materials and self-study resources for current safety sensitive employees on an annual basis.

Definitions

1. "Policy SAPs" shall be the Substance Abuse Professionals which meet the qualification specified in 49CFR40.281. The current list of Policy SAPs will be increased from two (2) providers to four (4) providers to offer a range of treatment (examples include: State licensed therapists (marriage, family), Certified Social Worker, Certified Psychologists, etc.) as agreed to by the parties and as permitted under applicable law.
2. "Use" of drugs includes use of illegal drugs or misuse of prescribed or over-the-counter drugs.
3. "Program referrals", are any VTA Employees referred to this Program for its services who are either a voluntary referral, or an involuntary referral arising from a positive test required by the FTA.
4. Voluntary Program Referrals are any VTA employee who may have a drug and/or alcohol abuse problem and has not been subjected to pre-employment, reasonable suspicion, random, follow-up or a post-accident test and voluntarily refer himself or

herself to VTA's substance abuse program for treatment.

5. Involuntary Program Referrals are any VTA employee who has been subjected to and tests positive for or interferes with a pre-employment, reasonable suspicion, random, follow-up, post-accident, and/or refusal.

Pay Status

When an employee is directed to submit to a test while on duty, time spent on testing, (including travel time, if any) and awaiting the initial test results is "paid time." An employee ordered to submit to a Follow-Up, Post Accident or Reasonable Suspicion test and who is not allowed to return to work until the test results have been reviewed and are verified negative by the Medical Review Officer (MRO) will be on paid time during the waiting period

Any Return-to-Duty waiting period in excess of three days will be paid when test results are negative.

Employees who have not performed safety sensitive duties for ninety (90) days or more, and have been removed from the random testing pool, shall be required to complete a Pre-Employment (Return from Leave/Resumption of Safety Sensitive Duties) drug test prior to returning to safety-sensitive duties.

Employees shall report at 7:30 a.m. at their regular work location on the release to return to work date and shall then be sent for a drug test upon return from the drug test, they shall be provided with written instructions as to when and where to report until the results of the test are received. Employees shall participate in training sessions monitored by their immediate supervisor, or a designee, at their regular work location or at another location determined by VTA until the results of the test are received. Their regular pay status and benefits shall be reinstated as of the time they first report for duty at their regular work location.

Employees who have a positive test result are not eligible for work. Once notified of a positive test, the employee will be removed from service, if working. Under the regulations, if the MRO verifies a positive test, the employee may request a split sample test under this Agreement, should the split sample test be negative, the employee will be paid for all normal work hours since the initial test. VTA will pay for the cost of the split sample test when the results are negative.

Medical Examination

Should the MRO advise VTA of medical information that indicates that an employee may be medically unqualified under an applicable DOT agency regulation or that continued performance by the employee of his/her safety-sensitive function is likely to pose a significant safety risk, the employee shall be sent for a medical examination to determine if the employee is medically able to perform his/her duties. The employee may use available sick leave. If the employee has no available leave, the employee shall be placed in a sick no pay status until the issue is resolved.

Rehabilitation Programs

Referral to a Substance Abuse Professional is required regardless of whether the employee is disciplined, discharged, or returned to work. Failure to comply with the Substance Abuse Professional's recommendations will subject an employee to discipline up to and including discharge.

Voluntary Employee Referrals

The parties support and encourage employees to deal with drug, alcohol or related substance abuse problems as early as possible. VTA will assist those employees who seek early help by allowing voluntary entry into an approved substance abuse program and referral to a counselor (EAP) without testing. Employees who enter the program voluntarily will be subject to the requirements of the program, including compliance with the recommendations of the counselor and, if necessary, return to duty testing.

Employee self-identification after notification of a required drug and/or alcohol test will not relieve the employee of the requirement to take the test, or prevent appropriate disciplinary action.

An employee who self-identifies into this Program may use accrued Sick Leave first, Floating Holiday Time second, and Vacation third while participating in rehabilitation and after-care programs. Employees who choose not to use accrued Sick Leave, Floating Holiday and/or Vacation available will be placed on unpaid leave. The employee shall pay for treatment programs not covered by VTA health plans. VTA will provide health plans with rehabilitation programs.

Records generated by voluntary referrals which document a request/approval of program participation, (aside from the SAP, referral program records and payroll documentation records) will be destroyed after release to employment is made by the SAP. Any after-care or follow-up when required by the SAP must be followed by the employee. Any Follow-up positive test is a violation of this Voluntary Referral Program.

Involuntary Employee Referrals

1. The MRO will inform the DAPM/DER of the type of drug metabolites found in the employee's positive sample. The information is confidential, and shall only be used to track trends and work place issues.
2. A post-positive test, pre-SAP-assessment urine screen may be required by the SAP where evaluation or assessment will be delayed beyond three days.

3. Employees are expected to be in full compliance with a SAP's treatment recommendations, rehabilitation program requirements and follow-up/after care requirements.
4. The employee and SAP will endeavor to resolve any related compliance problems prior to involving the parties.
5. The employee must report the findings of the MRO to the Superintendent on the same day that the results are available. The MRO must immediately notify VTA so that VTA may immediately remove the employee from service. Employees, in the absence of the Superintendent, shall notify the on-duty supervisor of their unavailability and contact the Superintendent by the next working day.
6. The employee shall, by the end of his/her next working day after being notified of the test results from the MRO, schedule an appointment with the SAP for an evaluation and assessment of his/her need for help with a drug and/or alcohol problem. It is expected that the SAP evaluation appointment will take place within three days of scheduling.
7. To cover the time off, the employee must first use/move any accrued Vacation/Floating Holiday time bid; and second, use any accrued Sick Leave available. Employees who use/move Vacation/Floating Holidays are required to work during the previously bid Vacation/Floating Holiday time slots. Employees without accrued Vacation/Floating Holiday and/or Sick Leave available will be placed on unpaid leave.

I. Discipline For On-Duty Use, On-Duty Intoxication, Violation of this Policy and Post Accident Positive Test

a) Post-Accident Positive Test:

Tests positive for drugs and/or alcohol resulting from a post-accident or reasonable suspicion test in an amount which exceeds the cut-off levels for confirmation tests, as established by the FTA Regulations.

b) On-Duty Use or Intoxication:

The Agency and ATU recognize and agree that an employee who is intoxicated, uses or possess drugs, drug paraphernalia, or alcohol while on duty time, including lunch or breaks, or on VTA premises, regardless of whether the employee is found to have alcohol or drugs in his or her system at or above the cut-off levels for a positive test.

The Authority may take disciplinary action up to and including discharge except where there is just and sufficient cause for immediate discharge.

- 1) As a Safety Sensitive employee, consumes alcohol within four hours of reporting for duty or work.
- 2) Tests positive for alcohol in a breath alcohol concentration of .04 or greater; or
 - a. A test for alcohol in a breath alcohol concentration of .02 or greater, but less than .04 will result in not being eligible to work in a safety-sensitive job until the employee tests below .02 or for eight hours and being required to use a Vacation/Floating holiday to cover time lost. In addition, the employee will receive a written progressive adverse record entry beginning with a formal counseling. Although training is not considered discipline, the employee may also receive information and/or training concerning the effects of alcohol in the workplace detailing the consequences of another test at these levels. (Refer to 49 CFR Section 655.31 and 655.35)
 - b. Any test for alcohol in a breath alcohol concentration of .02 or greater, but less than .04 shall not be used in a record review under Section 18.1 of the ATU/VTA Collective Bargaining Agreement.
 - c. In accordance with federal regulations, on-call safety sensitive employee who admits to having used alcohol at the time they are called to report to work will not be subject to evaluation, rehabilitation and follow-up testing as long as they do not report for work.
- 3) Refuses required testing, refuses to cooperate with testing procedures, or interferes with accurate testing procedures; or
- 4) Fails to meet with, be available for, and maintain contact with the Substance Abuse Professional or fails to comply with the recommendations of the Substance Abuse Professional or the provisions of a rehabilitation or after-care program.

II. Discipline for Positive Pre-Change-Of-Class, Pre-Employment (Return From Leave/Resumption of Safety Sensitive Duties), Random, Follow-Up, and Reasonable Suspicion (Refer to 49 CFR Section 655.43).

Neither VTA nor the Union is tolerant of the use of drugs or alcohol that interferes with the safety or health of employees or the public. The following discipline approach reflects positive discipline with the intent of creating a drug-free and alcohol-free workplace.

VTA may take the following disciplinary action against any employee who, during their VTA employment tests positive for drugs or alcohol resulting from a Pre-Change of Class, Pre-Employment, Follow-up, Reasonable Suspicion, or Random test. The time limit for the seven (7) year review period begins from the last positive counting backwards. Events preceding this agreement shall remain on the employee's three-year record review period.

1. First Occurrence (Under this Section):

- a. The employee will not be eligible to work in a safety sensitive job and will be required to meet with the SAP and comply with the SAP's assessment.
- b. To cover the time off, the employee must first use/move any accrued Vacation/Floating holiday time bid; and second, use any accrued Sick Leave available. Employees who use/move Vacation/Floating holidays are required to work during the previously bid Vacation/Floating holiday time slots. Employees without accrued Vacation/Floating holiday and/or Sick Leave available will be placed on unpaid sick leave.
- c. An adverse record entry/written warning detailing the consequences of another positive test will be issued.

2. Second Occurrence (Under this section):

- a. The employee will not be eligible to work in a safety sensitive job and will be required to meet with the SAP and comply with the SAP's assessment, as specified by the SAP and until the employee is cleared by the SAP for a return to duty test.
- b. The employee will be subject to discharge.
- c. If requested by an employee's superintendent, the Substance Abuse Committee may be convened to make recommendations concerning the employee's potential for rehabilitation.
- d. The employee's discharge may be mitigated based on the SAP's opinion concerning the employee's potential for rehabilitation success as well as the employee's tenure, attendance and performance. If not discharged, the employee will receive a 30-working day suspension and the employee, union, and VTA shall sign a "Last Chance Agreement" (Appendix C) which will include the employee's agreement not to use drugs and/or alcohol during the seven (7) year review period.
- e. The employee, Union, and VTA will sign a "Last Chance Agreement," which will include the employee's agreement not to use drugs and/or alcohol and to follow the recommendations of the SAP for treatment and rehabilitation. If employee refuses to sign the Last Chance Agreement, it shall result in immediate discharge.

- f. Except while serving disciplinary suspension time, to cover the time off-duty, the employee must first use/move any accrued Vacation/Floating holiday time bid; and second, use any accrued Sick Leave available. Employees who use/move Vacation/Floating Holidays are required to work during the previously bid Vacation/Floating Holiday time slots. Employees without accrued Vacation/Floating Holiday and/or Sick Leave available will be placed on a suspension without pay.

3. **Third Occurrence(Under this section):**

- a. The employee shall be discharged, without appeal except that the Union/Employee may contest whether the test was conducted in compliance with FTA regulations. Tests conducted in compliance with FTA regulations shall include completed tests with corrected deficiencies. If the Union/Employee appeal is unsuccessful, the Union/Employee shall pay the expenses of the arbitrator and court reporter. There shall be no other appeals or appealable issue.

When the Designated Employee Representative (DER) becomes aware of any irregularities as included in 49CFR40.199 or 49CFR40.267 during the federally required testing procedure at the collection site, the irregularities will be shared with ATU immediately at the discretion of the DER.

When the Designated Employee Representative (DER) becomes aware of irregularities as included in 49CFR40.205, 49CFR40.208, or 49CFR40.209 during the federally required testing procedure at the collection site, the substantive irregularities will be shared with ATU immediately at the discretion of the DER for informational purposes only.

Document and Records Retention and Access

Aside from the Federal Regulations regarding release of testing and compliance, all documents relating to positive tests, documents created by the MRO, SAP, or any medical facilities or care-givers, are protected by the Confidentiality of Medical Information Act.

Substance Abuse Committee

A Substance Abuse Committee will be created, comprised of two members appointed by VTA management and two members appointed by ATU, Local 265.

The Committee will be empowered to:

1. select the Medical Review Officer (MRO) and Substance Abuse Professional(s) (SAP).

2. take action, within *VTA* funding parameters , relating to:
 - a. program implementation issues;
 - b. substance abuse education and testing training programs, and substance abuse rehabilitation programs; and
 - c. the facilitation of peer rehabilitation groups;
3. make recommendations to the General Manager on programs requiring *VTA* funding;
4. when requested by the employee's superintendent and agreed to by the employee, make recommendations to the superintendent concerning the employee's potential for rehabilitation; and
5. create appropriate administrative rules and documents to perform the Committee's business.

Substance Abuse Rehabilitation Loan Fund

VTA will provide loan assistance for substance abuse rehabilitation costs for ATU represented safety-sensitive employees who have tested positive for drugs or alcohol (under FTA regulations) under the following conditions.

1. VTA will provide a Substance Abuse Rehabilitation Loan Fund up to a maximum of \$10,000 each fiscal year to be shared by ATU members for rehabilitation programs recommended by the Substance Abuse Professional, but not covered by VTA provided medical plans.
2. Prior to receiving a rehabilitation loan from the fund, the employee must sign an authorization for payroll deduction to re-pay the loan once he or she returns to work
3. The Substance Abuse Committee (comprised of two members appointed by VTA and two members appointed by ATU) will review and approve the request for rehabilitation assistance, and will administer the fund.
4. The Substance Abuse Committee will determine how to allocate funds among employees needing rehabilitation.
5. To be eligible, employees must agree to comply with the SAP's treatment recommendations, rehabilitation program requirements or follow-up/after care.

Exhibit C - VTA/ATU Agreement Regarding: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page 9 of 11

Signed by: Deana Lemone
President & Business Agent, Amalgamated Transit Union, Local 265

1/13/15
Date

Signed by: Brian Lopez
Director of Business Services, Santa Clara Valley Transportation Authority

1-13-15
Date

Signed by: Jayelyn Adams
Substance Abuse Program Manager, Santa Clara Valley Transportation Authority

January 30, 2014
Date

Effective Date is: January 8, 2015

Date Adopted by VTA Board of Directors: January 8, 2015

Replaces Policy dated: October 10, 2002

APPENDIX A

Date

Mr/Ms xxxxxx

Badge # XXXXX

Address Street

City, CA Zip

Subject: Last Chance Agreement

This letter constitutes a Last Chance Agreement between you, the Santa Clara Valley Transportation Authority and the Amalgamated Transit Union, Local 265, setting forth the terms and conditions of your return to work and continued employment with VTA.

This Last Chance Agreement is required because of your second positive test for drugs and/or alcohol during your VTA employment as outlined in the VTA/ATU Local 265 Substance Abuse Detection, Deterrence, and Rehabilitation program.

The following are the terms of your continued employment with VTA:

1. To abstain from the use of illegal drugs and/or alcohol.
2. To follow the recommendations of the Substance Abuse Professional (SAP) for treatment and rehabilitation.
3. To test negative for drugs and/or alcohol. I agree to fully comply with the recommendations of the Substance Abuse Professional (SAP) for treatment.
4. Other terms as appropriate. [Specify applicable terms, if any].

Under the terms of the VTA/ATU Local 265 Substance Abuse Detection, Deterrence, and Rehabilitation Program, a third positive drug and/or alcohol test during the seven (7) review period will be subject to discharge.

Exhibit C - VTA/ATV Agreement Regarding: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page 11 of 11

For VTA:

For the Union:

(Employee Signature) (Date)

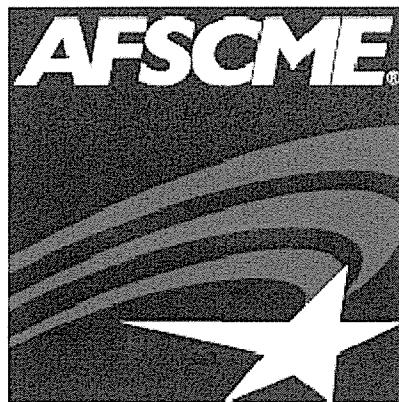
Revised

7/23/14

Exhibit C-2

Agreement

between



**AMERICAN FEDERATION OF THE STATE, COUNTY AND
MUNICIPAL EMPLOYEES, LOCAL 101 AFL CIO**

and



**SANTA CLARA
VALLEY TRANSPORTATION AUTHORITY (VTA)**

**REGARDING IMPLEMENTATION
OF FTA MANDATED
DRUG AND ALCOHOL TESTING
FOR
SAFETY SENSITIVE EMPLOYEES**

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page 1 of 8

AGREEMENT BETWEEN VTA AND AFSCME
REGARDING IMPLEMENTATION OF
FTA MANDATED DRUG AND ALCOHOL TESTING
FOR SAFETY-SENSITIVE EMPLOYEES

This program was negotiated between the Santa Clara Valley Transportation Authority (VTA) and the American Federation Of The State County And Municipal Employees Local 101 AFL-CIO (AFSCME).

Voluntary Employee Referrals

The parties support and encourage employees to deal with drug, alcohol or related substance abuse problems as early as possible. VTA will assist those employees who seek early help by allowing voluntary entry into the substance abuse program and referral to a counselor without testing. Employees who enter the program voluntarily will be subject to the requirements of the program, including compliance with the recommendations of the counselor, if necessary, return-to-duty testing and follow-up testing. Employees are required to comply with the counselor's treatment recommendations, rehabilitation program requirements or follow-up/after care. A positive follow-up test is a violation of the program.

An employee who self-identifies into this Program may use accrued sick leave and STO time for rehabilitation and treatment. Employees who choose not to use accrued sick leave or STO will be placed on unpaid leave. Employees without accrued sick leave and STO time available will be placed on unpaid leave.

Employee self-identification after notification of a required drug and/or alcohol test will not relieve the employee of the requirement to take the test, or prevent appropriate disciplinary action.

Pay Status

Pre-Employment (Return from Leave/Resumption of Safety-Sensitive Duties)

Employees who have not performed safety sensitive duties for 90 days or more, and have been removed from the random testing pool, shall be required to complete a Pre-Employment (Return from Leave/Resumption of Safety-Sensitive Duties) drug test, with a negative result, prior to performing safety sensitive duties. The employee may take his/her drug test prior to his/her release to return to work date. The time spent on testing, (including travel time) and awaiting the test results shall not be considered "paid time". If the test results are not known as of the employee's release to return to work date, or if the test has not been taken prior to the release to return to work date, the employee shall report at 7:30 a.m., or at a time specifically designated in advance by the supervisor, at his/her regular work location on the release to return to work date. If the drug test has not been taken, the employee shall then be sent for a drug test. Until the results of the drug test are received, the employee shall participate in non-safety-sensitive duties or prescribed training sessions monitored by the employee's immediate supervisor, or a designee,

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page **2 of 8**

at the employee's regular work location or at another location determined by VTA. The employee shall be provided with written instructions as to when and where to report until the results of the test are received. The employee's regular pay status and benefits shall be reinstated as of the time the employee first reports for duty at his/her regular work location.

Pre-Employment (Transfer From Non-Safety Sensitive to Safety Sensitive Duties)

The employee may test during working hours without loss of pay. The employee shall not be permitted to transfer to safety sensitive duties until a negative result is received.

Follow-up, Random, Post-Accident or Reasonable Suspicion

When an employee is ordered to submit to a Follow-up, Random, Post-Accident or Reasonable Suspicion test while on duty, time spent on testing, (including travel time, if any) and awaiting the initial test results is "paid time". An employee ordered to submit to a Post-Accident or Reasonable Suspicion test and who is not allowed to return to work until the test results have been reviewed, and whose test is subsequently found to be negative by the MRO, will be on "paid time" during the waiting period.

Positive Test – Split Sample Test

Employees who have a positive test result are not eligible for work. Once notified of a positive test, the employee will be removed from service, if working. Under the regulations, if the MRO verifies a positive test, the employee may request a split sample test. Under this Agreement, should the split sample test be negative, the employee will be paid for all normal work hours since the initial test. VTA will pay for the cost of the split sample test when the results are negative.

Medical Examination

Should the MRO advise VTA of medical information that indicates that an employee may be medically unqualified under an applicable DOT agency regulation or that continued performance by the employee of his/her safety-sensitive function is likely to pose a significant safety risk, the employee shall be sent for a medical examination to determine if the employee is medically able to perform his/her duties. The employee may use available sick leave. If the employee has no available leave, the employee shall be placed in a sick no pay status until the issue is resolved.

Rehabilitation

Employees will be allowed to use accrued sick leave and STO when off work during rehabilitation due to a positive test, except for period of disciplinary suspension. If STO is used, the employee may be required to work during the previously approved vacation time. Employees without accrued sick or STO available will be placed on an unpaid leave.

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees

Page 3 of 8

Disciplinary Consequences – Up to and Including Discharge

VTA may take disciplinary action up to and including discharge against any safety sensitive employee who:

1. Is intoxicated, uses or possesses drugs, drug paraphernalia, or alcohol while on duty time, including lunch or breaks, or on VTA premises, regardless of whether the employee is found to have alcohol or drugs in his or her system at or above the cut-off levels for a positive test;
2. As a Safety Sensitive employee, consumes alcohol within four hours of reporting for regularly scheduled duty or work. If an employee is called back to work on unscheduled time, the employee must be given the opportunity to acknowledge the use of alcohol at the time of being called to report to duty. There is no discipline or penalty for an employee who is unable to return to work when called back on unscheduled hours because the employee has consumed alcohol within four hours. The regulations require that a safety sensitive employee, who acknowledges the use of alcohol but claims to be able to perform the safety sensitive function, must take an alcohol test. An employee who returns to work and does not acknowledge use of alcohol is subject to testing if reasonable suspicion exists. No safety sensitive employee is allowed to work who has consumed alcohol within four hours, unless a breath alcohol test is below .02.
3. Test positive for drugs and/or alcohol resulting from a post-accident or reasonable suspicion test in an amount which exceeds the cut-off levels for confirmation tests;
4. Test positive for alcohol in a breath alcohol concentration of .04 or greater;
5. Refuses required testing, refuses to cooperate with testing procedures, or interferes with accurate testing procedures;
6. Fails to meet with the Substance Abuse Professional, or fails to comply with the recommendations of the Substance Abuse Professional or the provisions of a rehabilitation or after-care program. Failure to cooperate, as demonstrated by a series of positive tests taken in order to return to duty, may subject the employee to discipline up to and including discharge.

Factors for determining discipline or discharge may include, but are not limited to, the employee's employment record and years of service, assessment of the Substance Abuse Professional, the employee's commitment to rehabilitation, and the circumstances of the offense.

Progressive Discipline for Pre-Employment (Return From Leave/Resumption of Safety Sensitive Duties), Random or Follow-up Testing

Neither VTA nor AFSCME is tolerant of the use of drugs or alcohol that interferes with the safety or health of employees or the public. The following discipline approach reflects positive discipline with the intent of creating a drug and alcohol-free workplace.

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page 4 of 8

First positive:

1. The employee will be removed from service and is required to meet with the Substance Abuse Professional and comply with the recommendations of the Substance Abuse Professional.
2. The employee may first use any accrued STO and then sick leave to cover time off. If STO is used, the employee may be required to work during a previously approved vacation slot. Employees without accrued STO balances or sick leave will be placed on an unpaid leave.
3. A written reprimand detailing the consequences of a second positive test will be issued.

Second positive:

1. The employee will be removed from service and is required to meet with the Substance Abuse Professional and comply with the recommendations of the Substance Abuse Professional.
2. The employee will receive a 5-15 day working suspension based on the employee's behavior and the Substance Abuse Professional's opinion concerning the employee's potential for rehabilitation success.
3. The employee, AFSCME, and VTA will sign a "Continued Employment Agreement," which will include the employee's agreement not to use drugs and/or alcohol and to follow the recommendations of the Substance Abuse Professional for treatment and rehabilitation, and advising the employee that subsequent positive tests will subject the employee to discharge.
4. An employee who fails to fully comply with the terms and conditions of the rehabilitation and after-care program or the terms of Continued Employment Agreement may be subject to further discipline up to and including discharge.

Third positive:

1. The employee will be removed from service and referred to the Substance Abuse Professional for assessment and evaluation, and must comply with the recommendations of the Substance Abuse Professional.
2. The employee will be subject to immediate discharge.
3. The employee's discharge may be mitigated based on the SAP's opinion concerning the employee's potential for rehabilitation success and recommendation by the AFSCME/VTA Substance Abuse Committee. The final decision rests with the employee's Superintendent/Manager. If the employee is not terminated, the employee will receive a 30-working day suspension and the employee, AFSCME, and VTA will

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees

Page **5 of 8**

sign a "Last Chance Agreement" which will include the employee's agreement not to misuse drugs or alcohol and automatic discharge for any positive test within five years.

Document and Records Retention and Access

Secured confidential records of any self-referral (e.g., test results, MRO and SAP reports) are kept only within the Substance Abuse Control Program office, separate and secure from all other employee personnel records. Release is prohibited by FTA regulations.

In addition, to federal regulations protecting the release and confidentiality of FTA drug and alcohol testing records, all documents created by the MRO, SAP, or any medical facilities or caregivers, are protected by the Confidentiality of Medical Information Act.

Substance Abuse Committee

A Substance Abuse Committee may be convened, comprised of two members appointed by VTA and two members appointed by AFSCME.

The Committee may:

1. Participate in the selection of the Medical Review Officer (MRO) and Substance Abuse Professional (SAP);
2. Review and comment on program implementation issues, FTA mandated changes to the policy, substance abuse training programs, rehabilitation, and the facilitation of peer rehabilitation groups;
3. Make recommendations to the General Manager on programs requiring VTA funding;
4. Make recommendations to the employee's Superintendent or Manager concerning an employee's potential for rehabilitation in-lieu of termination when requested by the employee's Superintendent/Manager and agreed to by the employee's consent.

Supervisory Training or Reasonable Suspicion Determination

On an annual basis, VTA will offer each supervisor a two hour training on a reasonable suspicion determination and recognition of drug and alcohol use or misuse.

Non-Safety Sensitive Assignments

AFSCME represented employees in safety-sensitive classes who are assigned to non-safety sensitive positions will be removed from the selection pool until they resume safety sensitive duties. When returned to a safety sensitive assignment after not having performed safety sensitive duties for 90 days or more, such employees are required to submit to a pre-employment drug and alcohol test with a negative test result.

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page **6 of 8**

Substance Abuse Rehabilitation Loan Assistance

VTA will provide loan assistance for substance abuse rehabilitation costs for AFSCME represented safety-sensitive employees who have tested positive for drugs or alcohol (under FTA regulations) under the following conditions:

1. VTA will provide a Substance Abuse Rehabilitation Loan Fund up to a maximum of \$5,000 each fiscal year to be shared by AFSCME members for rehabilitation programs recommended by the Substance Abuse Professional, but not covered by VTA provided medical plans.
2. Prior to receiving a rehabilitation loan from the fund, the employee must sign an authorization for payroll deduction to re-pay the loan once he or she returns to work.
3. The Substance Abuse Committee (comprised of two members appointed by VTA and two members appointed by AFSCME) will review and approve the request for rehabilitation assistance, and will administer the fund.
4. The Substance Abuse Committee will determine how to allocate funds among employees needing rehabilitation.
5. To be eligible, employees must agree to comply with the SAP's treatment recommendations, rehabilitation program requirements or follow-up/after care.

Signed by:

Business Representative, American Federation of State and County And
Municipal Employees Local 101

Date:

Signed by:

Chief Administrative Officer, VTA

Date:

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
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APPENDIX

Date

Mr./Ms. XXXXXX

Badge # XXXXX

Address. Street

City, CA Zip

Subject: Continued Employee Agreement

This letter constitutes a Continued Employment Agreement between you, the Santa Clara Valley Transportation authority, and AFSCME setting forth the terms and conditions of your return to work and continued employment with VTA.

This Continued Employment Agreement is required because of your second positive test for drugs and/or alcohol as outlined in the VTA/AFSCME Drug and Alcohol Policy Agreement.

The following are the terms of your continued employment with VTA:

1. To abstain from the use of illegal drugs and/or alcohol
2. To follow the recommendations of the Substance Abuse Professional (SAP) for treatment and rehabilitation
3. To test negative for drugs and/or alcohol on your return to duty test
4. Other terms as appropriate. [Specify applicable terms, if any.]

Under the terms of the VTA/AFSCME Drug and Alcohol Policy Agreement, a third positive drug and/or alcohol test will subject you to discharge.

Exhibit C

VTA/AFSCME-VTA Chapter Agreement re: Implementation of
FTA Mandated Drug and Alcohol Testing for Safety Sensitive Employees
Page **8 of 8**

With your agreement to abide by these conditions you will be permitted to continue in the workforce in your normal assignment. Your signature on this document acknowledges that you have had this agreement explained to you and that you understand and agree to return to work under these terms and conditions.

For VTA: _____

For AFSCME: _____

(Employee Signature)

(Date)

Exhibit C-3

Agreement

between



**SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
CHAPTER**

and



**SANTA CLARA
VALLEY TRANSPORTATION AUTHORITY (VTA)**

**REGARDING IMPLEMENTATION
OF FTA MANDATED
DRUG AND ALCOHOL TESTING
FOR
SAFETY SENSITIVE EMPLOYEES**

AGREEMENT BETWEEN VTA AND 521
REGARDING IMPLEMENTATION OF
FTA MANDATED DRUG AND ALCOHOL TESTING
FOR SAFETY-SENSITIVE EMPLOYEES

This program was negotiated between the Santa Clara Valley Transportation Authority (VTA) and Service Employees International Union (SEIU), Local 521.

521 Represented Safety-Sensitive Job Classes:

1. Signal Maintainer – Maintenance/Rail

Voluntary Employee Referrals

The parties support and encourage employees to deal with drug, alcohol or related substance abuse problems as early as possible. VTA will assist those employees who seek early help by allowing voluntary entry into the substance abuse program and referral to a counselor without testing. Employees who enter the program voluntarily will be subject to requirements of the program, including compliance with the recommendations of the counselor, if necessary, return-to-duty testing. Employees are required to comply with the counselor's treatment recommendations, rehabilitation program requirements or follow-up/after care. Employees may self-refer without any fear of discipline. Enrollment and participation in a substance abuse assistance program prior to testing will not be used against an employee in a disciplinary proceeding.

Secured confidential records of any self-referral (e.g., test results, MRO and SAP reports) are kept only within the Substance Abuse Control Program office, separate and secure from all other employee personnel records. Release is prohibited by FTA regulations.

An employee who self-identifies into this Program may use accrued sick leave, vacation, and compensatory time for rehabilitation and treatment. Employees who choose not to use accrued sick leave, vacation, or compensatory time will be placed on unpaid leave. Employees without accrued sick leave, vacation, or compensatory time available will be placed on unpaid leave.

Employee self-identification after notification of a required drug and/or alcohol test will not relieve the employee of the requirement to take the test, or prevent appropriate disciplinary action.

Pay Status

Pre-Employment (Return from Leave/Resumption of Safety Sensitive Duties)

Employees who have not performed safety sensitive duties for 90 days or more, and have been removed from the random testing pool, shall be required to complete a Pre-Employment (Return from Leave/Resumption of Safety Sensitive Duties) drug test, with a negative result, prior to performing safety sensitive duties. The employee may take his/her drug test prior to his/her release to return to work date. The time spent on testing, (including travel time) and awaiting the test results shall not be considered “paid time”.

If the test results are not known as of the employee’s release to return to work date, or if the test has not been taken prior to the release to return to work date, the employee shall report at 7:30 a.m., or at a time specifically designated in advance by the supervisor, at his/her regular work location on the release to return to work date. If the drug test has not been taken, the employee shall then be sent for a drug test. Until the results of the drug test are received, the employee shall participate in non-safety sensitive duties or prescribed training sessions monitored by the employee’s immediate supervisor, or a designee, at the employee’s regular work location or at another location determined by VTA. The employee shall be provided with written instructions as to when and where to report until the results of the test are received. The employee’s regular pay status and benefits shall be reinstated as of the time the employee first reports for duty at his/her regular work location.

Pre-Employment (Transfer From Non-Safety Sensitive to Safety Sensitive Duties)

The employee may test during working hours without loss of pay. The employee shall not be permitted to transfer to safety sensitive duties until a negative result is received.

Follow-up, Random, Post-Accident or Reasonable Suspicion

When an employee is ordered to submit to a Follow-up, Random, Post-Accident or Reasonable Suspicion test while on duty, time spent on testing, (including travel time, if any) and awaiting the initial test results is “paid time”. An employee ordered to submit to a Post-Accident or Reasonable Suspicion test and who is not allowed to return to work until the test results have been reviewed, and whose test is subsequently found to be negative by the MRO, will be on “paid time” during the waiting period.

Positive Test – Split Sample Test

Employees who have a positive test result are not eligible for work. Once notified of a positive test, the employee will be removed from service, if working. If the MRO verifies a positive test, the employee may request a split sample test. Under this agreement, should the split sample test be negative, the employee will be paid for all normal work hours since the initial test. VTA will pay for the cost of the split sample test when the results are negative.

Medical Examination

Should the MRO advise VTA of medical information that indicates that an employee may be medically unqualified under an applicable DOT agency regulation or that continued performance by the employee of his/her safety sensitive function is likely to pose a significant safety risk, the employee shall be sent for medical examination to determine if the employee is medically able to perform his/her duties. The employee may use available sick leave. If the employee has not available leave, the employee shall be placed in a sick no pay status until the issue is resolved.

Rehabilitation

Employees will be allowed to use accrued sick leave, vacation, and compensatory time when off work during rehabilitation due to a positive test, except for periods of disciplinary suspension. If vacation time is used, the employee may be required to work during the previously approved vacation time. Employees without accrued vacation or sick leave available will be placed on an unpaid leave.

Disciplinary Consequences – Up to and Including Discharge

VTA may take disciplinary action up to and including discharge against any employee who:

1. Is intoxicated, uses or possesses drugs, drug paraphernalia, or alcohol while on duty time, including lunch or breaks, or on VTA premises, regardless of whether the employee is found to have alcohol or drugs in his or her system at or above the cut-off levels for a positive test;
2. As a safety sensitive employee, consumes alcohol within four hours of reporting for regularly scheduled duty or work. If an employee is called back to work on unscheduled time, the supervisor (or designated) will ask the employee at the time of being called to work whether he or she is able to return to work. There is not discipline or penalty for an employee who is unable to return to work when called back on unscheduled hours because the employee has consumed alcohol within four hours. The regulations require that a safety sensitive employee, who acknowledges the use of alcohol but claims to be able to perform the safety sensitive function, must take an alcohol test. An employee who returns to work and does not acknowledge use of alcohol is subject to testing if reasonable suspicion exists. No safety sensitive employee is allowed to work who has consumed alcohol within four hours, unless a breath alcohol test is below .02;
3. Test positive for drugs and/or alcohol resulting from a post-accident or reasonable suspicion test in an amount which exceeds the cut-off levels for confirmation tests;
4. Test positive for alcohol in a breath alcohol concentration of .04 or greater;
5. Refuses required testing, refuses to cooperate with testing procedures, or interferes with accurate testing procedures;

6. Fails to meet with the Substance Abuse Professional, or fails to comply with the recommendations of the Substance Abuse Professional or the provisions of a rehabilitation or after-care program. Failure to cooperate, as demonstrated by a series of positive Return-to-Duty tests (once the employee is cleared by the SAP to return to work), may subject the employee to discipline up to and including discharge.

Factors for determining discipline or discharge may include, but are not limited to, the employee's employment record and years of service, assessment of the Substance Abuse Professional, the employee's commitment to rehabilitation, and the circumstances of the offense.

Progressive Discipline for Pre-Employment (Return From Leave/Resumption of Safety Sensitive Duties), Random or Follow-up Testing

First positive:

1. The employee will be removed from service and is required to meet with the Substance Abuse Professional and comply with the recommendations of the Substance Abuse Professional
2. The employee may use any accrued sick leave, vacation or compensatory time to cover the time off. If vacation time is used, the employee may be required to work during a previously approved vacation time. Employees without accrued vacation, sick leave, or compensatory time balances will be placed on an unpaid leave.
3. An unfavorable report detailing the consequences of a second positive test will be issued and placed in the employee's Personnel file.

Second positive:

1. The employee will be removed from service and is required to meet with the Substance Abuse Professional and comply with the recommendations of the Substance Abuse Professional.
2. The employee will receive a 5 to 15-day working day suspension based on the employee's behavior and the Substance Abuse Professional's opinion concerning the employee's potential for rehabilitation success. Such record will be placed in the employee's Personnel file.
3. The employee, Union, and VTA will sign a "Continued Employment Agreement," which will include the employee's agreement not to use drugs and/or alcohol and to follow the recommendations of the Substance Abuse Professional for treatment and rehabilitation, and advising the employee that subsequent positive tests may subject the employee to discharge.

4. An employee who fails to fully comply with the terms and conditions of the rehabilitation and after-care program or the terms of a Continued Employment Agreement may be subject to further discipline up to and including discharge.

Third positive:

1. The employee will be removed from service and referred to the Substance Abuse Professional for assessment and evaluation.
2. The employee will be subject to immediate discharge.
3. The employee's discharge may be mitigated based on the SAP's opinion concerning the employee's potential for rehabilitation success and recommendation by the 521/VTA Substance Abuse Committee. The final decision rests with the employee's Superintendent/Manager. If the employee is not terminated, the employee will receive a 30-working day suspension and the employee, union and VTA will sign a "Last Chance Agreement" which will include the employee's agreement not to misused drugs or alcohol and automatic discharge for any positive test within five years.

Substance Abuse Committee

A Substance Abuse Committee will be convened, comprised of two members appointed by VTA management and two members appointed by SEIU, Local 521.

The committee will be empowered to:

1. Participate in the selection of the Medical Review Officer (MRO) and the Substance Abuse Professional (SAP);
2. Review, evaluate and make recommendations on program implementation issues, substance abuse training and education programs, rehabilitation and the facilitation of peer rehabilitation groups;
3. Make recommendations to the General Manager on programs requiring VTA funding;
4. Make recommendations to the Superintendent concerning an employee's potential for rehabilitation in-lieu of termination when requested by the employee's Superintendent and agreed to by the employee's consent.

Appeal Rights

Employees have the right to appeal any discipline resulting from this program through the grievance procedure in the 521 contract.

Negotiation of Agreement

The parties will evaluate the effect of this agreement and upon request by either party will re-open the Agreement for negotiation.

Substance Abuse Rehabilitation Loan Assistance

VTA will provide loan assistance for substance abuse rehabilitation costs for 521 represented safety sensitive employees who have tested positive for drugs or alcohol (under FTA regulations) under the following conditions:

1. VTA will provide a Substance Abuse Rehabilitation Loan Fund up to a maximum of \$1,000 each fiscal year to be shared by 521 members for rehabilitation programs recommended by the Substance Abuse Professional, but not covered by VTA provided medical plans.
2. Prior to receiving a rehabilitation loan from the fund, the employee must sign an authorization for payroll deduction to re-pay the loan once he or she returns to work.

3. The Substance Abuse Committee (comprised of two members appointed by VTA and two members appointed by 521) will review and approve the request for rehabilitation assistance, and will administer the fund.
4. The Substance Abuse Committee will determine how to allocate funds among employees needing rehabilitation.
5. To be eligible, employees must agree to comply with the SAP's treatment recommendation and rehabilitation program requirements or follow-up/after-care.

Signed by: _____
Chief Steward, Service Employees International Union, Local 521

Date: _____

Signed by: _____
Chief Administrative Officer, VTA

Date: _____

APPENDIX

Date

Mr./Ms. XXXXXX

Badge # XXXXX

Address, Street

City, CA Zip

Subject: Continued Employment Agreement

This letter constitutes a Continued Employment Agreement between you, the Santa Clara Valley Transportation Authority and the SEIU, Local 521, setting forth the terms and conditions of your return to work and continued employment with VTA.

This Continued Employment Agreement is required because of your second positive test for drugs and/or alcohol as outlined in the VTA/SEIU Local 521 Drug and Alcohol Policy Agreement.

The following are the terms of your continued employment with VTA:

1. To abstain from the use of illegal drugs and/or alcohol;
2. To follow the recommendations of the Substance Abuse Professional (SAP) for treatment and rehabilitation;
3. To test negative for drugs and/or alcohol on your Return-to-Duty test;
4. Other terms as appropriate. [Specify applicable terms, if any.]

Under the terms of the VTA/SEIU Local 521 Drug and Alcohol Policy Agreement, a third positive drug and/or alcohol test will subject to discharge.

With your agreement to abide by these conditions you will be permitted to continue in the workforce in your normal assignment. Your signature on this document acknowledges that you have had this agreement explained to you and that you understand and agree to return to work under these terms and conditions.

For VTA: _____

For the Union: _____

(Employee Signature)

(Date)

Exhibit D-1

**DRUG AND ALCOHOL
TESTING PROCEDURES**

**COLLECTION AND TESTING
PROCEDURES GENERAL**



EXHIBIT D-1
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

COLLECTION AND TESTING PROCEDURES

Testing and collection procedures will be conducted in a manner which assures a high degree of accuracy, integrity, and reliability, using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). Testing for prohibited drugs and alcohol will be conducted in accordance with procedures set forth in 49 CFR, Part 40. Federal urine and breath forms will be used.

- A. **Notification of Testing.** Before administering a drug and alcohol test, VTA will inform and notify employees that the urine or breath sample will be tested for prohibited drugs as required under the regulations (as called for by 49 CFR, Part 40). Employees will be given a copy of these Testing Procedures.
- B. **Testing Process.** Test conducted are analytical testing of urine for prohibited drug use, or breath sample to detect alcohol as required by FTA regulations. Testing will be done in compliance with FTA regulations to ensure the integrity of the sample. Strict chain of custody procedures will be followed. All urine specimens will be placed in secured storage. An initial drug screen will be conducted on each primary specimen. For those specimens that are not negative, a confirmatory Gas Chromatography (GC/MS) test will be performed.

Employee Specimen Collection Checklist
Urine Drug Testing

1. Report to the specimen collection site as soon as possible after notification to report. Failure to report for collection within a reasonable time or refusal to cooperate with the collection process will result in a determination of a refusal to provide a specimen.
2. Show the collection site personnel an official photo identification card.
3. Check your outer garments with the collection site personnel for safekeeping. You have the right to retain your wallet and to ask for a receipt for your belongings. Empty your pockets and display the items in them to the collection site personnel.
4. Rinse and dry your hands.
5. Obtain a wrapped specimen container from the specimen collection personnel.

6. Proceed to the privacy enclosure and provide a specimen in the collection container. Do not flush the toilet. At least 45 milliliters of urine are required for analysis. If an insufficient amount of urine is provided, the original specimen will be discarded and you will be required to consume not more than 40 ounces of fluids in three hours to provide another specimen. Do not tamper with the specimen or make substitutions. The specimen will be visually inspected for unusual color and sediment.
7. You will be directed to provide the specimen under direct observation when:
 - a. You have had a prior invalid specimen without a valid medical explanation;
 - b. A positive, adulterated, or substituted test result had to be cancelled because a test of the split sample could not be performed;
 - c. The collector has observed an attempt to tamper with a specimen;
 - d. The collector observed prohibited materials brought to the collection site;
 - e. The collector has observed evidence that original specimen may have been tampered with;
 - f. The temperature on the original specimen was out of range;
 - g. On a return-to-duty or follow-up test *
8. The temperature of the specimen will be measured and must fall within an acceptable range. If the temperature falls outside the acceptable range, you will be required to provide a new specimen while being directly observed by collection site personnel.
9. Give the specimen to the specimen collection personnel and watch the sealing a labeling of the bottles. The label will be printed with a unique specimen ID number. Initial the labels verifying that the specimen is yours.
10. You may wish to indicate on the back of your copy of the custody and control form any medications you are currently using. This list may serve as a memory jogger in the event a Medical Review Officer calls you to discuss the results of your test.
11. The results of the laboratory analysis will be forwarded to the Medical Review Officer. If the results are negative, the MRO will notify VTA. If the laboratory confirms a positive result, the MRO will contact you at the telephone number you provided to give you the opportunity to discuss the test results and to submit information demonstrating authorized use of the drugs in question.
12. A re-collection will be required when:

- a. the laboratory reports a negative dilute specimen *;
- b. the laboratory reports an invalid result and there is not a valid medical explanation;
- c. the laboratory reports the result as rejected for testing and a negative test is required (e.g., in the case of a pre-employment, return-to-duty, or follow-up test);
- d. the laboratory's test of the primary specimen is positive, adulterated, or substituted and the split specimen is unavailable for testing;
- e. a test was cancelled and a negative test result is required (e.g., in the case of a pre-employment, return-to-duty, or follow-up test).

Employee Specimen Collection Checklist
Breath Alcohol Testing

1. Report to the specimen collection site as soon as possible after notification to report. Failure to report for collection within a reasonable time or refusal to cooperate with the collection process will result in a determination of a refusal to provide a specimen.
2. Show the collection site personnel your official photo identification card.
3. After the testing procedures are explained to you, the alcohol testing form must be completed, dated and signed by you and the Breath Alcohol Technician (BAT). The BAT must retain copy 1. Copy 2 must be given to you. Copy 3 must be transmitted to VTA. The BAT will make an entry into the logbook and have you sign.
4. The BAT will inform you of the need to conduct a screening test. The BAT must open an individually sealed, disposable mouthpiece in your view and attach it to the Evidential Breath Testing Device (EBT).
5. The BAT will instruct you to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. Following the screening test, the BAT must show you the result displayed on the EBT or the printed result.
6. If the result of the screening test is an alcohol concentration of less than .02, no further testing is required and the test will be reported to VTA as a negative test. You may then return to your safety-sensitive position.
7. If the result of the screening test is an alcohol concentration of .02 or greater, a confirmation must be performed. The confirmation test must be conducted between 15 and 30 minutes after the completion of the screening test. This waiting period prevents any accumulation of alcohol in the mouth from leading to an artificially high reading. You will be required to remain under observation the waiting period.
8. The BAT will inform you of the need for a confirmation test. You will be instructed not to eat, drink or put any object or substance in your mouth. The BAT will also instruct you not to belch to the extent possible while awaiting the confirmation test.
9. Before the confirmation test is administered, the BAT shall conduct an airblank on the EBT. The confirmation test is conducted using the same procedures as the screening test. A new mouthpiece will be used.
10. If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.

11. If the result displayed on the EBT is not the same as that on the printed form, the test will be cancelled, and the EBT removed from service.
12. The BAT will sign and date the form. You will sign and date the certification statement, which includes a notice that you cannot perform safety-sensitive duties or operator a motor vehicle if the results are .02 or greater. The BAT will transmit all results to VTA's Substance Abuse Control Program Manager in a confidential manner. In the even you must be removed from safety-sensitive duties, the BAT will notify VTA's Substance Abuse Control Program Manager immediately.
13. If a screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.
14. Refusal by you to complete and sign the alcohol testing form, to provide an adequate amount of breath, or other wise to cooperate with the collection process must be noted on the form and the test will be terminated and VTA immediately notified.
15. If you are unable to provide an adequate amount of breath, VTA shall direct you to obtain, from a licensed physician who is acceptable to VTA, an evaluation concerning your medical ability to provide an adequate amount of breath. The evaluation shall be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, your failure to provide an adequate amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

C. Refusal to Submit to Testing. Refusal to submit to a drug or alcohol test constitutes a positive test result. Any covered employee who refuses to submit to an alcohol or drug test will be prohibited from performing or continuing to perform a safety-sensitive function.

The following situations constitute a refusal to submit to testing:

- Failure to appear at the collection facility within a reasonable time (except for pre-employment tests) as determined by the employer;
- Leaving the collection facility prior to test completion (for all but pre-employment, who may leave if the test has not been started);
- Failure to provide a specimen;
- Failure to permit the observation or monitoring of your provision of a specimen when required;
- Failure to take a second test when required;
- Failure to undergo a medical examination when required (for pre-employment tests, a contingent offer of employment must have been made);
- Failure to sign the certification at Step 2 of the Alcohol Testing Form (ATF);
- Failing to provide adequate breath for an alcohol test without a valid medical explanation;
- Failing to provide an adequate urine sample for drug testing without a valid medical explanation;
- Failing to cooperate with any of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- Leaving the scene of an accident without just cause prior to submitting to a test;
- Failing to remain “readily available” for testing, including notifying VTA of your location if you leave the scene of the accident (except for period necessary to obtain necessary emergency medical care or resolve an accident);
- For an observed collection, failure to follow the observers instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possessing or wearing a prosthetic or other device used to tamper with the testing process;
- Admitting to the collector or MRO that you have adulterated or substituted the specimen;
- *The MRO verification of a test as adulterated or substituted

- D. Positive Drug Test.** A Positive drug test result is determined by the “minimum test levels” (confirmed by gas chromatography/mass spectrometry). A confirmed positive drug test is one that meets or exceeds the minimum threshold levels established under the FTA regulations for the prohibited substances (Exhibit B) or is determined to be substituted or adulterated.

Under FTA regulations, only the Medical Review Officer (MRO) can determine whether a confirmed positive is a verified positive. Failure to contact the MRO in a timely manner so that the MRO can complete the verification process is considered a positive test. An employee with a verified positive drug or alcohol test will be removed from duty.

All employees, with verified positive results above the drug cut-off levels, or at or above .04 for alcohol will be referred to a Substance Abuse Professional for evaluation and assessment.

- E. Split Sample Testing – Employee Request Within 72 Hours.** Each sample will be split into a primary and split sample. The samples will be sent under seal, with required chain of custody forms, to a laboratory approved by the Department of Health and Human Services (DHHS).

An employee who questions the results of a drug test may request that an additional test be conducted. This test must be conducted a different laboratory on the split sample that was provided at the time of the original sample. This option does not apply to breath alcohol testing.

The request for an additional test must be made within 72 hours of being informed by the Medical Review Officer (MRO) of a verified positive, adulterated or substituted drug test. You may present the MRO with documentation that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO (e.g., there was no one in the MRO’s office and the answering machine was not working), or other circumstances unavoidably prevented you from making a timely request.

If the result of the test of the primary specimen is positive, substituted, or adulterated, the primary and split samples will be retained by the laboratory in frozen storage for at least one year.

If the analysis of the split specimen fails to reconfirm the presence of the drug or drug metabolite, substitution or adulteration found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or untestable, the MRO must cancel the test, declare it invalid, and report the cancellation and the reasons for it to the Department of Transportation, the Substance Abuse Control Program at VTA, and the employee.

A cancelled test is neither a positive nor a negative test. If the split sample cannot be retested, the employee must immediately be sent for a re-test under direct observation.

A split sample test requested by the employee with a positive test result will be paid for by the employee. An invalid or negative test will be paid for by VTA.*

- F. Alcohol Breathalyzer Testing.** Tests for alcohol concentration will be conducted with a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device (EBT), operated by a trained Breath Alcohol Technician (BAT). A BAT is an employee who is trained to operate an approved Evidential Breath Testing device (EBT), and who has been certified in DOT Alcohol Testing Procedures, from NHTSA or State approved course.

If the initial test indicates an alcohol concentration of .02 or greater, a second confirmatory test will be performed to confirm the results of the initial test. A positive breath alcohol test is one that results in an alcohol concentration of .04 or greater on both an initial test a confirmatory test.

If the initial test is above .02 but the confirmatory test is below .02, the employee will be allowed to return to work. If the confirmatory test is .02 or greater but less than .04, the employee will be removed from his or her duties for at least eight hours, unless a re-test results in a concentration measure of less than .02. Employees must test below .02 before returning to work.

An alcohol concentration of .04 or greater will be considered a positive alcohol test an in violation of FTA regulations. An employee testing with a concentration of .04 or greater will be removed from service.

- G. Medical Review Officer (MRO).** All drug testing results will be interpreted by and evaluated by a Medical Review Officer (MRO), who is a designated licensed Medical Doctor (medical doctor or doctor of osteopathy) responsible for receiving laboratory test results, who has knowledge of substance abuse disorders and has appropriate medical training to evaluate and interpret test results. The MRO is integral to the integrity of the testing process and these procedures are meant to protect the employee and ensure the integrity of the testing.

The MRO will evaluate, interpret, and verify a confirmed positive drug test result in conjunction with an employee's medical history, and any other relevant biomedical information to determine whether or not a positive test for drugs exists. The MRO reviews the employee's medical history and other relevant biomedical factors, and is obligated to contact the employee to evaluate whether there is a legitimate medical explanation for the result, including legally prescribed medication, before making a

determination as to whether a result is consistent with drug use. Once having done so, the MRO decides if the positive test is a verified positive. If the employee provides an adequate explanation, the MRO verifies the test as negative with the Substance Abuse Control Program Manager at VTA and takes no further action.

In the event of a positive drug test result, the MRO is obligated to contact the employee and offer him/her the opportunity to discuss the test result. The MRO must make reasonable attempts to reach the employee at the day and evening telephone numbers listed on the Chain of Custody and Control form (CCF). Reasonable efforts include, as a minimum, three attempts spaced reasonable over a 24-hour period, to reach the employee at the day and evening telephone numbers listed on the CCF. If the MRO is unable to reach the employee, the MRO will contact VTA's designated employer representative (DER) and ask the DER to contact the employee.

The DER will attempt to contact the employee immediately. If the DER is unable to contact the employee directly, the DER may leave a message for the employee. The DER will advise the employee that he/she must contact the MRO immediately and that failure to do so within 72 hours will be will constitute a failure to test..

Failure to contact the MRO within 72 hours of the MRO's receipt of the positive test result from the lab will constitute a refusal to test. In such a case, the employee will be allowed 60 days from the date of the verification to document that serious illness, injury, or other circumstances precluded contact with the MRO and/or DER.

When the MRO reports the results of a verified positive test to VTA, the MRO may disclose the drug(s) for which there was a positive test. The MRO may only reveal the levels of a positive drug test result to VTA, the employee, or the decision-maker in a lawsuit, grievance or other proceeding initiated by the employee and arising from a verified positive drug test. If the MRO declares a drug test to be invalid for any reason, that test is considered canceled, and neither positive nor negative.

The MRO must report medical information learned as part of the verification process to third parties (e.g., VTA, a physician or other health care provider responsible for determining the medical qualifications of the employee under an applicable DOT agency safety regulation, a SAP evaluating the employee as part of the return-to-duty process, a DOT agency, or the National Transportation Safety Board) without the employee's consent if he/she determines that there is a safety reisk.

prescribing physician can change a medication to one that does not make the employee medically unqualified or does not pose a significant safety risk. The MRO will then inform any third party to whom the MRO previously provided information regarding the employee's medication. If VTA receives information that the employee has a condition that may affect the performance of the employee's safety-sensitive duties, and this issue cannot be resolved between the MRO and the employee's physician, VTA will send the employee for a medical examination to determine whether the employee is medically able to perform his/her duties.

H. Drug/Alcohol History. Employers must:

- Ask new hires and transfers (who have been employed less than two years) if they have refused or failed a pre-employment drug test;
- Get 2-year drug/alcohol history on new hires and transfers (who have been employed less than two years) from their prior employer(s) and verify that they have met any return-to-duty requirements.

Exhibit D-2

**DRUG AND ALCOHOL
TESTING PROCEDURES**

**POST-ACCIDENT/
OCCURRENCE TESTING**



EXHIBIT D-2
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

POST-ACCIDENT/OCCURRENCE TESTING

The FTA regulations require testing for prohibited drugs and alcohol in case of certain mass transit accidents for safety-sensitive employees. Post-Accident Testing will be required:

In a fatal accident as soon as practical, drug and alcohol testing will be conducted on each surviving employee operating the mass transit vehicle at the time of the accident and any other employee whose performance could have contributed to the accident using the best information available at the time of the accident.

In a non-fatal accident as soon as practical if an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles incur disabling damage as the result of the occurrence and vehicle or vehicles are transported away from the scene by a tow truck or other vehicle or an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the transit vehicle is removed from operation, drug and alcohol testing will be conducted on each employee operating the mass transit vehicle at the time of the decision, unless the employer, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Any other employee, whose performance could have contributed to the accident, using the best information available at the time of the accident shall also receive a drug and alcohol test.

The first member of Management at the site of an accident or occurrence involving a Mass Transit Vehicle (whether or not it is in revenue service) upon arrival will:

1. Ensure that all injured people, e.g., employees, passengers, pedestrians, etc. receive proper medical care.
2. Take aside the vehicle Operator and any other involved safety-sensitive employee and give a direct order to stand by at the site until it has been determined whether the accident or occurrence is one which requires a post-accident drug/alcohol test.
3. Determine whether the accident meets FTA criteria. Complete "Post-Accident Testing Questionnaire" and return it to the Substance Abuse Control Program.
4. Ensure that the employee is taken to the collection site and tested as soon as is practicable following the accident. The test should be performed within two hours of the accident. If tests are not performed within two hours, the road supervisor must document the reasons

why the test was not performed. If an alcohol test cannot be administered within eight hours, the test must be canceled and the road supervisor shall document why the test was not conducted. If the drug test cannot be administered within 32 hours, the road supervisor shall cancel the test and document why the test was not conducted. A copy of the report completed by the road supervisor shall be returned to the Substance Abuse Control Program.

5. The employee shall remain readily available for alcohol testing up to eight hours post-accident and for drug testing up to 32 hours after the accident, including notifying his/her supervisor of his/her location, or he/she may be deemed to have refused to submit to testing.
6. If the employee is injured and needs medical treatment or needs to assist with accident resolution, the requirement to remain readily available for testing following an accident is stayed.
7. If the employee is injured and needs medical treatment, the employee shall be transported to the nearby medical facility for treatment. On release from treatment, the employee shall be transported to U.S. HealthWorks Medical Clinic for post-accident drug and alcohol testing. If the employee is hospitalized, the hospital will be requested to collect the necessary specimens.
8. The employee is prohibited from using alcohol for eight hours and non-prescriptions drugs for 32 hours after the accident, prior to testing.
9. The employee shall be removed from work pending the results of a drug/alcohol test. The employee will be returned to his/her safety-sensitive position when VTA receives a negative drug/alcohol test result. If the alcohol test result is .02-.039, the employee will be removed from duty for at least eight hours.
10. If the employee refuses to be tested or if the test is verified positive, the employee shall be referred to the SAP.
11. The employee has 72 hours to request a test of the split sample if the initial drug test is positive.
12. If VTA is unable to test the employee within the required timeframe, and the employee has been tested by Federal, State, or local officials having independent authority to test the employee, VTA may use the results of such a test in lieu of its own post-accident test.

Exhibit D-3

**DRUG AND ALCOHOL
TESTING PROCEDURES**

REASONABLE SUSPICION TESTING



REASONABLE SUSPICION TESTING PROCEDURES

The FTA regulations require a safety-sensitive employee to submit to a test when the employer has a reasonable suspicion that the employee has used a prohibited drug or has misused alcohol as defined in the regulations. The request to undergo a reasonable suspicion test must be based on specific, articulable observations concerning appearance, behavior, speech, or body odor of the safety-sensitive employee.

1. Supervisors and managers receive training in order to identify behaviors that might be indicators of drug use and/or alcohol misuse. Training includes the procedures for how to deal with employees suspected of drug use and alcohol misuse.
2. If a supervisor observes behavior that might be indicative of drug use and/or alcohol misuse, he/she directs the employee to stop work and escorts the employee to an area to be questioned and observed in private.
3. The supervisor completes the "Reasonable Suspicion Evaluation Form." The supervisor must ensure that the employee does not continue to operate in a safety-sensitive job after identified for reasonable suspicion testing.
4. If there is a decision to test based on observable signs and symptoms, the employee is ordered to submit to a drug and/or alcohol test and is taken to the collection site. Collections of samples will follow # 2-13 of the Random Collection Procedures.
5. The employee is on paid status until the test collection is completed. VTA requires that the employee not perform safety-sensitive work pending the outcome of the drug test. Since the employee is believed to be under the influence of drugs and/or alcohol, arrangements will be made to have him/her transported home.
6. If there is a confirmed breath alcohol test of between .02% and .039%, the employee will be relieved from safety-sensitive duty immediately for a minimum of eight (8) hours. The employee is picked up from the clinic by the supervisor.
7. If there is a confirmed positive breath alcohol test (.04% or above) and/or confirmed positive drug test, the employee will be referred to the Substance Abuse Professional for an evaluation and referral for rehabilitation, if indicated.
8. If the drug test is reviewed by the MRO, the employee has 72 hours to request testing of the split sample. If the test is confirmed positive, the employee is removed from service then referred to the SAP for assessment and treatment recommendations.
9. The employee cannot return to work until he/she has been released by the SAP and has successfully completed the return-to-duty alcohol and/or drug tests ordered by the

Exhibit D-3 - Drug & Alcohol Testing Procedures

Reasonable Suspicion Testing

Page 2 of 2

SAP. A positive return-to-duty counts as a second positive for reporting purposes only.

JMA revised 2/14/13

Exhibit D-4

**DRUG AND ALCOHOL
TESTING PROCEDURES**

PRE-EMPLOYMENT DRUG TESTING



EXHIBIT D-4
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

PRE-EMPLOYMENT DRUG TESTING

NEW HIRES

Applicants for safety-sensitive positions shall undergo drug testing prior to employment in a safety-sensitive position. An applicant who tests positive for drugs above the cut-off level is disqualified from consideration for employment.

Pre-duty testing must occur prior to an existing employee being moved into a safety-sensitive position, including to a work out of class or temporary assignment position. Employees who transfer, promote, or demote from non-safety-sensitive positions to safety-sensitive positions are required to undergo drug and alcohol testing. Negative test results are required prior to performing safety-sensitive functions.

1. Applicants for safety-sensitive positions shall undergo a drug test and will not be hired or assigned to a safety-sensitive position unless they pass a pre-employment drug test.

2. The Human Resources Department will assure that all job applications, notices, and announcements for safety-sensitive job positions contain the following wording:

“In accordance with federal requirements, all job applicants selected for appointments for this safety-sensitive position are subject to pre-employment drug testing. A final job applicant will be tested for five prohibited drugs (and their metabolites): Cocaine, PCP, Amphetamines, Marijuana, and Opiates. During employment, employees holding safety-sensitive positions are subject to random, reasonable suspicion, post-accident, return-to-duty, pre-employment (return from leave/resumption of safety-sensitive functions) and follow-up testing.”

3. The Human Resources Department will request drug testing along with medical and physical examinations for those safety-sensitive final job applicants who pass all job testing requirements and are otherwise eligible for employment.
4. The Human Resources Department will schedule the drug testing appointment and provide the Substance Abuse Program Manager with a written list of the number of applicants, their names, their social security numbers, their test dates, and the name of the testing facility, on a monthly basis.
5. It is the responsibility of the applicant to report to the testing facility at the time and day scheduled.

6. All urine specimens collected for pre-employment drug testing will be submitted for testing individually. The results of each pre-employment drug test will be reported to the Medical Review Officer by the testing laboratory.
7. Positive drug test results must be reviewed by the Medical Review Officer.
8. Applicants will be notified of a positive test result by the Medical Review Officer and will be given an opportunity to discuss the results.
9. The Substance Abuse Control Program Manager will be notified of all testing results and these results will be immediately transmitted to the Human Resources Department.
10. Applicants who test positive for drugs are disqualified from consideration of employment. Applicants are eligible to reapply for a safety sensitive job following the lapse of 120 calendar days.
11. When a safety-sensitive employee or applicant has previously failed or refused a pre-employment drug test, the employee must provide the Substance Abuse Control Program Manager proof of having successfully completed a referral, evaluation and treatment plan. The proof includes the name, address and telephone numbers of the Substance Abuse Professional, and counseling and treatment program.
12. If a pre-employment drug test is cancelled, the safety-sensitive employee or applicant is required to take another pre-employment drug test with a verified negative result.
13. A final job applicant whose pre-employment test results are negative will continue through the safety-sensitive hiring or job assignment process.

TRANSFER TESTING

1. An employee who is being considered for transfer to a safety-sensitive position from a non-safety-sensitive position including to work out of class or temporary assignment position is required to undergo a drug test.
2. Negative drug test results required prior to employment in the safety-sensitive position.
3. An employee with a positive drug test, as verified and reported by the MRO, will be disqualified from immediate transfer.
4. An employee who does not pass a drug test may request from the MRO within 72 hours of the receipt by the employee of the test result, that the split sample be tested by another Department of Health and Human Services certified lab.

**RETURN FROM LEAVE/
RESUMPTION OF SAFETY-SENSITIVE FUNCTIONS**

When a safety-sensitive employee has not performed safety-sensitive functions for 90 consecutive calendar days, regardless of the reason, and the employee has not been in the random selection pool during that time, the employee shall take a pre-employment (return from leave/resumption of safety sensitive functions) drug test with a verified negative result prior to resuming safety-sensitive functions.

Revised 3/13/13

Exhibit D-5

**DRUG AND ALCOHOL
TESTING PROCEDURES**

RANDOM TESTING PROCEDURE



EXHIBIT D-5
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

RANDOM TESTING

Employees in safety-sensitive classifications are subject to unannounced, random drug and alcohol testing. (Inactive employees are not covered until they return to the selection pool.) Testing is continuous throughout the year, and there is not period during which testing is halted. Testing is conducted on all days and hours during which transit service is in operation.

Random testing identifies employees who are using drugs or misusing alcohol but are able to use the predictability of other testing methods to escape detection. More importantly, it is widely believed that random testing serves as a strong deterrent against prohibited drug use and misuse of alcohol at VTA. VTA has revised its procedures for notification and collection to best implement the requirements of the federal rules.

Each safety-sensitive employee shall have an equal chance at selection and remain in the selection pool even after being tested. The basis for random selection shall be by a scientifically valid random number generation method by computer. An employee may be called for a drug test at any time and an alcohol test just before, during or just after performance of safety-sensitive duties.

Employees will be notified just prior to going to the collection site and are required to proceed to the test site immediately. Employees subject to random testing shall not be relieved from active service pending the results of the testing.

1. Random drug and alcohol testing applies only to safety-sensitive employees.
2. Random drug and alcohol testing is accomplished by a scientifically valid, tamper-proof, computer-generated selection process. A random list of employee numbers will be generated every week by the Substance Abuse Control Section. A number of tests will be generated to allow for selected employees who are not available for testing. “Not available” is limited to employees who are not at work due to vacation, sick leave, disability or scheduled time off. Employees who are selected but are unavailable will have their names returned to the pool. The list of selected safety-sensitive employees is generated by the computer and kept on file.
3. Once a list is generated, employee numbers are matched with names, and the names are sorted by division. Testing is then scheduled randomly on a weekly basis. No employee will be removed from the random pool following selection, and every employee will continue to be subject to selection throughout the year.

Every employee in the random pool has an equal chance of being selected every time. Employees are only removed from the random pool when they are in rehabilitation programs, permanently transferred to a non-safety-sensitive position, or on a leave of absence.

4. Random testing will be conducted on all shifts, all times of day, and all days of the week throughout the calendar year. No shift is exempt from testing.
5. VTA's minimum random testing drug rate is fifty percent (50%) of the eligible safety-sensitive employees in the random pool. The total number of alcohol tests completed each year must equal ten percent (10%) of the number of safety-sensitive employees.
6. Random drug testing may be conducted concurrently with random alcohol testing or at any time during an employee's shift. Random alcohol testing will be conducted just before, during, and just after the employee performs a safety-sensitive function. The employee must proceed to the test site immediately after being notified that he or she has been selected for testing.
7. Maintenance and Operations Superintendents will be notified which employees have been selected for testing. (See Procedures for Random Test Notification.) Once an employee is notified of his/her selection, he/she must report immediately for the test. If an employee is not tested or does not complete the test during the scheduled test period, a "Failure to Test as Scheduled" form must be completed.
8. Employees will be notified to stop work, where to report for testing, and who will relieve them, if necessary.
9. The employee must submit to a drug and/or alcohol test, and sign all necessary forms. Failure to cooperate with the collection procedure in any way constitutes a refusal to test which is considered the same as a positive test result.
10. The employee is in a paid status through random testing. If the results are positive, or if he/she refuses to test, employees will be removed from service. Pay status for removal of service will be in accordance with the applicable agreement with the collective bargaining unit.
11. If both alcohol and drug tests are being given, the breath alcohol test will be performed first. Immediately thereafter, the urine sample will be collected for the drug test.
12. If there is a confirmed breath alcohol test of .02% to .039%, the employee will be relieved from duty immediately for a minimum of eight hours.

13. If there is a verified positive breath alcohol test (.04% or above) and/or verified positive drug test, the employee will be removed from service and directed to contact the Substance Abuse Professional (SAP) for an evaluation and referral for rehabilitation, if indicated. The employee cannot return to work until he/she has been released by the SAP and has successfully completed a return-to-duty test.
14. Employees who test positive for drugs or alcohol will be disciplined in accordance with the policy and applicable agreements with the collective bargaining units.

RANDOM TESTING NOTIFICATION
AND IMPLEMENTATION

1. The random test written notifications will be generated on a weekly basis by the Substance Abuse Control Program. Notifications will be placed in a white business envelope. The business envelopes and the blue cards will be placed in a manila envelope with a label. The information on the label shall include: department work site, Confidential, Substance Abuse Testing Program, eligible testing period (one week). The manila envelopes will be bundled with a log sheet marked "Random Test Notification Log Sheet" addressed to each of the Divisions and will include all the envelopes for that work site and for that testing period. Every effort must be made to test employees during the designated eligible testing period. If employees are not available within the one-week eligible testing period, Management must complete the "Failure to Test as Scheduled" form and forward it to the Substance Abuse Control Program.
2. The program delivery service person will deliver the envelopes to the Superintendents at each selected work location on Wednesday of each week between the hours of 9:00 a.m. and 3:00 p.m.
 - The delivery person shall deliver the envelopes to the appropriate superintendent or designee and have him/her date, time and sign the log sheet marked "Random Test Delivery Notification Log Sheet." After all the envelopes have been delivered to the selected work sites, the delivery person shall date, time, sign and return the log marked "Random Test Notification Delivery Log sheet" to the Substance Abuse Control Section no later than the following Monday.
 - The superintendent or designee of each work site shall open the envelopes, notify and send each selected employee for testing during the one-week period. The superintendent or designee of each work site shall fill in the employee's name, badge number, SSN, job title, time employee notified and sent followed by his/her signature on the blue card. The selected employee shall have the collection site representative note the arrival time and the departure time from the facility and return the card to the superintendent or designee. Upon return to work, the Management

representative shall note the arrival time back at work site and return the completed card to the Substance Abuse Control section in a confidential envelope.

- The Substance Abuse Control Program shall maintain a confidential file with all the documents pertaining to the random tests for a period of two years (unless the documents are related to a positive test, which will be kept for a five-year period).
3. If the selected employee's work-site is the same as the immediate Management Representative's, the employee's immediate Management Representative will make private and tactful in-person contact with the employee to inform him/her that he/she has been selected for random drug/alcohol testing. The notification letter will be read to the employee and he/she will be given a direct order to go to the collection site. The employee will be advised that refusal to take the test, adulteration of the specimen or other non-cooperation which results in a no-test will, as required by Federal Law, be reported as a positive test result.
 4. When the employee selected for random drug testing is located at a work-site away from their immediate Management Representative, they will be contacted by a representative designated by the immediate Management Representative in accordance with #3 above. Such a representative will be at the appropriate level of management to issue a direct order to the selected employee.

In the event a Bus or Rail Operator is driving a line when scheduled for random testing, the Management Representative will make an intercept on the line and will have a relief Operator take over the run. Following the relief, and off the vehicle, the Operator will be informed as in #3 above. The employee must proceed immediately to the collection facility.

5. Following a collection of a breath specimen, results of the breath alcohol test will be faxed directly to the Substance Abuse Program Manager by the testing facility and a copy of the results will be provided to the employee upon request. The hard copy of the test result will be mailed to the program section.

Employees testing greater than .02 on the breath alcohol confirmation test will be removed from active status by the supervisor, following collection of a urine specimen for drug testing purposes, and the employee will not continue to perform safety-sensitive function, until: (1) The employee's alcohol concentration measures less than .02; or (2) The start of the employee's next regularly scheduled duty period, but not less than eight hours following the administration of the test.

6. All urine specimens collected for drug testing will be submitted for testing individually and will receive expedited handling by the collection site and drug testing laboratory. The results of each drug test will be reported back to the MRO by the testing laboratory. The MRO will give an employee testing positive in a drug test an opportunity to discuss the test result prior to making a final positive result determination.

7. The Medical Review Officer will, in turn, notify the VTA's Substance Abuse Program Manager of the test result for notification of the test result to appropriate Departmental Management and the employee.

NEGATIVE DRUG TEST: An employee whose drug/alcohol test results are negative will continue performing his/her usual job duties without interruption.

VERIFIED POSITIVE DRUG TEST: An employee who has a verified positive drug test shall be removed from service on receipt of this notification by the Management Representative.

8. An employee who does not pass a drug test may request, in writing to the MRO within 72 hours of the receipt by the employee of the test result, that another Department of Health and Human Services (DHHS) certified laboratory perform a reanalysis of the original specimen.

In random testing there is no presumption of prohibited drug use, therefore, following testing the employee will return to work unless there is a positive or non-negative test result for breath alcohol.

Revised 3/13/13

Exhibit D-6

**DRUG AND ALCOHOL
TESTING PROCEDURES**

**RETURN TO DUTY
AND
FOLLOW-UP TESTING**



EXHIBIT D-6
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
DRUG AND ALCOHOL POLICY AND PROCEDURES

RETURN TO DUTY AND FOLLOW-UP TESTING

The FTA regulations require that, before any employee can be allowed to return to duty to perform a safety-sensitive function following a verified positive drug test, and/or a breath alcohol test result of .04 or greater, or a refusal to submit to a test, the employee must follow the procedures outlined in 49 CFR part 40. The determination to send an employee for a return to duty drug test, alcohol test, or both is left to the discretion of the SAP. **These tests are subject to Direct Observation.**

Return-to-Duty Testing

1. If an employee tests positive for alcohol (.04 and above) or positive for prohibited drugs, the SAP must evaluate the employee to determine whether the employee may be released for return to a safety-sensitive position.
2. When employees are cleared after completing any recommended rehabilitation and scheduled to return to duty, they must pass the drug and/or alcohol test ordered by the SAP prior to resuming duty. The alcohol test must be below .02. If the return-to-duty test is positive, it counts as a second positive (for FTA reporting purposes).
3. The SAP will contact the employee's treatment provider 14 days in advance of the expected return-to-duty and schedule the employee for a return-to-duty evaluation.
4. The Substance Abuse Control Program coordinates the employee's return-to-duty test with the appropriate superintendent/manager.
5. If the return-to-duty is positive, the split sample can be re-analyzed at another DHSS certified lab, if requested by the employee within 72 hours of the employee's receipt of the test result. The results will be reviewed by the MRO. If it is verified positive, the employee will not be returned to duty, and (for purposes of FTA reporting) will be considered a second positive.

Follow-Up Testing

1. Once allowed to return to safety-sensitive duty, an employee shall be subject to unannounced follow-up testing for at least 12 months (1 year) but not more than 60 months (5 years). The type, frequency and duration of the follow-up testing will be determined by the SAP; however, under FTA regulations, a minimum of six tests shall be performed during the first 12 months after the employee has returned to duty. Follow-up testing does not exclude an employee from the random testing program. This means that an employee is subject to random testing as well as follow-up testing.
2. Follow-up alcohol tests shall be performed either just before, during, or after the employee performs a safety-sensitive function.
3. If a follow-up test is verified positive, the employee will be immediately removed from the safety-sensitive position.

Revised 3/21/13

Exhibit E

**DRUG AND ALCOHOL
TESTING PROCEDURES**

**EMPLOYEE SUBSTANCE ABUSE
REHABILITATION LOAN FUND HIGHLIGHTS**



EMPLOYEE SUBSTANCE ABUSE REHABILITATION LOAN FUND HIGHLIGHTS

The purpose of the Loan Fund is to assist individual employees in the acquisition and financing of required substance abuse rehabilitation services.

- **Eligible Participants** – All employees regularly employed by the Santa Clara Valley Transportation Authority, currently working and have tested positive for drugs or alcohol and are required to complete a rehabilitation program.
- **Permitted Rehabilitation Program** – Rehabilitation program recommended by the Substance Abuse Professional, but not included in the VTA Medical benefit plans.
- **Loan terms** – Participants may be required to make a down payment (of a minimum of \$25.00) on the Promissory Note. Participant agrees to payroll withholding, and terms shall not exceed one year. The authorization to deduct from Participant's payroll check may not be rescinded so long as an unpaid balance remains. Participants may elect to pay the remaining unpaid balance at any time before the last payroll deduction.

Upon termination of employment with VTA for any reason, the remaining amount to be paid to VTA under this agreement shall immediately become due and payable. The participant shall immediately pay any remaining outstanding balance prior to Participant's last day of work at VTA or authorize VTA to withhold from his/her final pay the unpaid balance owed to VTA.

Total amount of loan not to exceed \$10,000 for ATU represented employees, \$5,000 for AFSCME represented employees and \$1,000 for 521 represented employees, at any given time.

Committee Approval Date: 2/17/00

EMPLOYEE SUBSTANCE ABUSE REHABILITATION LOCAN FUND PROCEDURES

1. The Board of Directors approved the loan fund program on November 5, 1998. The employee can only use these funds after the approval of the request by the Substance Abuse Committee.
2. Employee obtains a Substance Abuse Rehabilitation Loan Fund Request form. Forms are available from the Substance Abuse Control Program of your Union office.
3. Employee completes the request form and submits it to the Substance Abuse Control Program, Attn: SACP Manager, 3331 North First St., Bldg B, San Jose, CA 95134-1906, or fax to 408-321-5806.
4. The Substance Abuse Committee designee notifies employee of approval of denial within **two weeks** after their review.
5. If approved, employee signs an authorization for payroll deduction to re-pay loan once he or she returns to work. The payback period is not to exceed one year.
6. Deputy Director of Accounting or designee will review agreement for completeness and sign as VTA representative.
7. Deputy Director of Accounting will set up employee payroll deduction as specified in the agreement.
8. Fiscal Resources Department Director or designee will issue a check to the Rehabilitation Program Provider.

Committee Approval Date: 12/20/99

Prepared by: Jackie Adams
Revised: 8/23/10

Exhibit F

**DRUG AND ALCOHOL
TESTING PROCEDURES**

FACT SHEETS



EXHIBIT F
SANTA CLARA VALLEY TRANSPORTATION

FACT SHEETS

Drug Detection Periods

Detection periods vary; rates of metabolism and excretion are different for each drug and use. Detection periods should be viewed as estimates. Cases can always be found to contradict these approximations.

Drug	Detection Period
Amphetamines	
Amphetamine	2-4 days
Methamphetamine	2-4 days
Ecstacy	2-4 days
Cocaine	
Benzoylecggonine	12-72 hours
Cannabinoids (Marijuana)	
Casual Use	2-7 days
Chronic Use	Up to 30 days
Ethanol (Alcohol)	
	12-24 hours
Opiates	
Codeine	2-4 days
Hydromorphone (Dilaudid)	2-4 days
Morphine (for Heroin)	2-4 days
Phencyclidine (PCP)	
Casual Use	2-7 days
Chronic Use	Up to 30 days

Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored “mini-bennies.” It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride – “snorting coke” is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per “line” (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.
- Cocaine Base – a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a “crack pipe” (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia

- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine caused spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986 – up to 11th place in 1980.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking “bongs” (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eyedrops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical “I don’t care” attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects

General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body’s immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is an underweight newborn baby.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition

Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

Alcohol Fact Sheet

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

Signs and Symptoms of Use

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

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

Health Effects

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

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

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die to alcohol-related conditions or accidents.

Workplace Issues

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

Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

- Natural and natural derivatives – opium, morphine, codeine, and heroin
- Synthetics – meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

- There are over 500,000 heroin addicts in the U.S., most of who are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotics to produce the same effect.
- Strong mental and physical dependency occurs.

- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper “packets.”
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust, and Hog.

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- Other depressant drugs potentiate PCP, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.

- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

