



DRUG AND ALCOHOL POLICY

Purpose

To establish guidelines that ensures a safe, healthy and productive drug-free work environment for the employees of the Agency.

Scope

This policy affects and applies to all Rutherford County Transit employees.

Policy

Being under the influence of a drug or alcohol while on the job poses serious safety and health risks to the user and to co-workers. Therefore, Rutherford County Transit has established the following policy to ensure a drug-free work environment:

Rutherford County Transit has zero tolerance for the use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed.

Drug and alcohol tests may be administered pre-employment, re-entry, post accident, for causes or random.

A positive test result is any amount of alcohol or illegal substance as revealed by the test. The medical Review Officer will make the final decision as to a positive or negative test result. A positive test result will result in immediate termination.

Alternate types of tests may be conducted when two or more tests within twelve months are found to be inclusive or a situation warrants such tests.

Failure to submit to a drug/alcohol test when requested or leaving the test site without completing the test is grounds for immediate termination. Other behaviors will be considered a refusal; tampering with the specimen or not reporting for a drug test without a valid reason immediately following an accident.

An ongoing drug free awareness program to inform employees has been established and begins with their initial agency orientation then continues on an annual basis.

All employees will receive 1 hour of substance abuse awareness education as presented by a Substance Abuse Professional. All supervisory personnel will receive 1 hour of substance abuse awareness education and 1 hour of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse as presented by a Substance Abuse Professional.

Each employee will sign a statement of understanding that, as a condition of employment under grants providing funding for his/her position, the employee will abide by the terms of the drug free workplace statement and notify [System name] in writing of his/her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such a conviction.

An employee may voluntarily come forward and ask for rehabilitation counseling. He/she would be suspended without pay until a Substance Abuse Professional could certify that the employee is fit to return to duty. Any employee with a substance abuse problem is encouraged to seek help through the Agency Employee Assistance Program.

Administration

The Executive Director will administer this policy.

Drug and Alcohol Program

"*Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations*," as implemented by [49 CFR Part 655](#) (August 2001), as amended, and to be read in conjunction with [49 CFR Part 40](#), requires all subrecipients receiving Federal Transit Administration funds under Capital Grant, Urbanized Area Formula Grant, or Non-Urbanized Area Formula Grant Programs to have a drug and alcohol testing program in place for all safety sensitive employees.

In addition, the U.S. Department of Transportation has issued [49 CFR Part 40](#), "*Procedures for Transportation Workplace Drug and Alcohol Testing Programs*," which prescribes testing methods to be followed.

Certification must be signed by the subrecipient's governing board or other authorized individual or body in compliance with the above. Failure to certify compliance with the drug and alcohol rules will result in jeopardizing federal funding from FTA. In addition, an FTA grant recipient is subject to criminal sanctions and fines for false statements or misrepresentation under Section 1001 of Title 18 of the U.S. Code.

Drug and Alcohol Regulations

NCDOT subrecipients of specific Federal Transit Administration (FTA) funding must establish and maintain a Drug and Alcohol Testing Program in accordance with [49 CFR §655](#), and in consonance with [49 CFR Part 40](#).

To ensure compliance with FTA Drug and Alcohol Testing Program requirements public transportation providers must:

- Establish an anti-drug use and alcohol misuse program as outlined in [49 CFR § 655.11-12](#);
- Establish an education and training program for all covered employees as outlined in [49 CFR § 655.14](#);
- Establish and provide written notice to every covered employee, of the employer's anti-drug and alcohol misuse program policy, in accordance with [49 CFR § 655.15 -17](#);
- Establish a program that provides testing for prohibited drugs as outlined in [49 CFR § 655.21](#);
- Establish a program that provides testing for alcohol as outlined in [49 CFR § 655.31-35](#), and in conjunction with [49 CFR Part 40](#);
- Comply with the testing requirements as detailed in [49 CFR § 655.41-62](#);

- Maintain in a secure location, with controlled access, all records of its anti-drug and alcohol misuse program as detailed in [49 CFR § 655.71](#), and in accordance with records disclosure instructions provided in [49 CFR § 655.73](#); and
- Annually prepare, maintain, and electronically complete and submit a Drug and Alcohol Management Information System (DAMIS) Report reflecting the results of its anti-drug and alcohol misuse testing programs performed for the previous calendar year. Transit agencies complete this report electronically. The NCDOT/PTD will provide DAMIS Report preparation instructions, along with a transit agency user ID# and Password to all FTA Section 5311 *sub recipients*, upon receipt from FTA.

To ensure NCDOT sub recipient compliance with FTA mandated Drug and Alcohol Testing Program and the Drug-Free Workplace requirements, the NCDOT:

- Periodically reviews each transit agency's Drug and Alcohol Program Policy for compliance;
- Conduct on-site visits to review all aspects of each transit agency's Drug and Alcohol Program that cannot be accomplished via desktop audit, such as compliance with program management requirements, records maintenance and storage review, ensuring that all applicable Drug and Alcohol Program regulations are readily available, reviewing documentation of employee training, collector compliance with regulations, and reviewing any other program compliance requirements;
- Provide technical assistance in all matters pertaining to transit agency Drug and Alcohol Program management as requested, or deemed to be appropriate;
- Provide employee/supervisor training, such as "Reasonable Suspicion Referral for Supervisors" and other program related training as available/required;
- Monitor transit agency Drug and Alcohol program management activities via accessing and reviewing the 3rd Party Administrator (TPA) Website;
- Monitor collection sites for compliance with FTA Drug and Alcohol Testing Program requirements;
- Coordinate efforts that would eventually allow individual transit agencies to review their Drug and Alcohol Testing Program activities via accessing the current TPA website;
- Collect, compile, and review all data necessary to validate each transit agency's Drug and Alcohol Management Information System (DAMIS) Report. Each transit agency prepares this report electronically. The NCDOT reviews each report and then electronically forwards the data to FTA prior to March 15 of each year.

Drug-Free Workplace Act

The Drug-Free Workplace Act of 1988, as well as Section 44-107-30, S.C. Code of Laws (1976), as amended, requires all grantees receiving grants from any state agency to certify they will maintain a drug-free workplace.