



## Drug and Alcohol Free Workplace Policy

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### 1.0 Policy

Lee County Government is committed to providing an alcohol and drug free workplace for its employees and those who conduct business with the County. This commitment is based on the belief that the County has a responsibility to ensure the safety of County employees and the general public. This document establishes County policy and procedures for staff that are responsible for insuring that the letter and spirit of this commitment are communicated and implemented in Lee County Government.

### 2.0 Applicability

This policy applies to all safety sensitive and non-safety sensitive employees, employees classified in high risk safety sensitive positions, paid part-time employees, contract employees, and contractors when they are on Lee County Government property or when performing any Lee County or transit-related safety sensitive or non-safety sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on Lee County property and will not be permitted to conduct business if found to be in violation of this policy. **The Lee County Transit System Employees in safety sensitive and non-safety sensitive positions adhere to the Drug and Alcohol Free Workplace Policy in Addendum A.**

### 3.0 Procedure/Rules

The following actions are prohibited on County premises and in County workplaces and while conducting any County business:

- a. The unlawful manufacture, solicitation, distribution, dispensation, sale, possession or use of controlled substances. The unlawful manufacture, possession, sale, distribution or delivery of drug paraphernalia.
- b. Use of alcoholic beverages.
- c. Misuse of legally prescribed drugs, and the use of illegally obtained prescription drugs.

- d. Any use of legally prescribed drugs and nonprescription medications which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to the supervisor.

Any violation of **a** through **d** above shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including dismissal.

Impaired behavior and/or diminished performance on the job resulting from the use of alcohol or any controlled substance shall be considered unacceptable personal conduct and shall be grounds for disciplinary action up to and including dismissal.

The County will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement officials. All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or department director. Disciplinary action, up to and including dismissal, shall be taken when an employee:

- Refuses to sign a consent form and participate in a required drug or alcohol test after being advised of the reasons for the request.
- Intentionally tampers, or attempts to tamper, with a drug or alcohol sample or testing process.
- Produces a confirmed positive test result.

1. Substances that may be tested for under this policy include:

- a. Marijuana/cannabinoids (THC)
- b. Cocaine metabolites
- c. Opioids
- d. Phencyclidine (PCP)
- e. Amphetamines/methamphetamines
- f. Alcohol
- g. Barbiturates (e.g., amobarbital, butabarbital, phenobarbital, secobarbital)
- h. Methaqualine (e.g., quaalude)

2. An employee who receives a positive test result may request that the same or split specimen be tested by another certified laboratory with the cost of such testing to be at the employee's expense.

3. When management has reasonable cause to believe an employee is using or is under the influence of alcohol or a controlled substance, or is misusing prescription drugs, the employee may be required to submit to an immediate drug and/or alcohol test. The test shall be administered by qualified personnel and shall involve proper procedures of specimen collection and testing.

### **Reasonable Cause/Suspicion**

Reasonable Cause/Suspicion means an expressible belief based on specific objective facts, and rational inferences drawn from those facts, that an employee has consumed or is under the influence of alcohol or drugs while in the course of their work. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

Observable occurrences, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs.

A report of alcohol or drug use, by an employee while in the course of their work, provided by a reliable and credible source.

A pattern of unexplained, preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to an accident while in the course of employee's work or is conducting County business while under the influence of alcohol or drugs.

Evidence that an employee is involved in the unauthorized manufacture, solicitation, distribution, dispensation, possession, sale or use, of alcohol or drugs while working or while on the County's premises or in possession of or operating a County vehicle, machinery or equipment.

Combative, abusive, violent or disruptive behavior (verbal or physical).

Erratic behavior/mood swings.

Relevant body or breathe odors.

The focus of investigation, arrest or conviction for drug related offense.

Evidence of substance abuse or drug test tampering.

A pattern of excessive absenteeism, tardiness or deterioration in work performance in combination with an observable occurrence as described above.

The following procedures apply when a supervisor has reasonable cause to believe an employee is in violation of the County's Alcohol and Drug Free Workplace Policy.

1. The Supervisor shall review the circumstances and actions which are the basis for the reasonable cause/suspicion with the department director or designee.

2. The employee may be suspended for investigatory purposes in accordance with established policy.
3. In cases which involve possible manufacture, solicitation, distribution, dispensing, selling or possession of controlled substances in the work place, the department director or designee shall contact the local law enforcement agency and State Bureau of Investigation for assistance.
4. The Supervisor shall document the facts in writing as fully as possible and instruct witnesses to reduce their observations to writing to the extent possible. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance and a general discussion of the circumstances existing at the time. Once reasonable cause has been established by the Human Resources Director or the County Manager, the employee shall be advised (in the presence of a witness) that as a condition of continued employment, management has the right to require him/her to submit to a drug or alcohol test. The employee shall then be advised of:
  - a. The basis for the reasonable cause and the requirement that the employee sign a test consent form
  - b. The methods of testing which may be used
  - c. The substances which may be identified
  - d. The importance of cooperating with the collection site personnel
  - e. The confidentiality of individual test results
  - f. The consequences of; refusing to sign consent form, failing to submit to immediate testing, failing to report for a specimen collection, or the receipt of a positive test result.
5. Immediately after reviewing **a** through **f** above with the employee, the employee shall be advised of the location where the test will be administered and shall sign a consent form.
6. County personnel shall transport the employee to the test site immediately after the consent form is signed.
7. If the employee refuses to sign the consent form or to undergo testing immediately as scheduled, the department director shall take appropriate disciplinary action.
8. If a negative test result occurs, the employee shall be notified immediately by the department director or designee.

9. If the employee has been placed on investigatory suspension, he/she shall be reinstated in accordance with policy requirements. All records surrounding the incident shall be removed from the employee's personnel file. If the test is positive, the Human Resources Director, within 5 days of receiving positive test confirmation, shall inform the employee, in writing, of the results and the proposed action to be taken.
10. Disciplinary actions will result from a confirmed positive test, refusal to participate in a test or of altering or attempting to alter test results.
11. Drug testing will be carried out by a laboratory certified by the U.S. DHHS and testing will be conducted via urine specimens.
12. Alcohol testing will meet industry standards or applicable U.S. DHHS guidelines and will be conducted via a saliva, blood or breath specimen.
13. All specimens will be collected under chain of custody procedures which include photo identification of the donor and protocols to assure specimen integrity.
14. A positive drug (controlled substance) test will undergo confirmatory testing.
15. A positive alcohol test will undergo confirmatory testing by either blood or breath.
16. All test results will be maintained in a secure and confidential manner in the County Human Resources Department and will not be released without written consent of the employee unless as a result of action initiated by or on behalf of the employee, they are required to be produced.

### **Pre-Employment Substance Abuse Screening**

All job finalists are required to undergo drug/alcohol testing within twenty-four (24) hours (excluding Saturdays, Sundays, and holidays) of receiving and accepting an offer of employment contingent upon a negative drug/alcohol test result. Finalists who fail to undergo such testing within twenty-four (24) hours will not be considered for employment.

1. The Human Resources Department will make arrangements for finalists to be sent to a designated medical facility for testing.
2. Finalists will submit a Lee County approved, signed substance abuse testing consent form to the qualified, approved laboratory provider, assenting to the testing procedure.
3. Finalist testing will be performed on urine specimens using a secure chain of custody procedure to reduce the likelihood of possible errors in

the testing procedures. Gas Chromatograph/Mass Spectrometry (GC/MS) or other appropriate, accepted medical testing procedures will be used to confirm all positive test results.

4. Upon completion of the tests, results will be sent to the employee/finalist, if requested, and the appropriate staff member in the Human Resources Department.
5. Completion of offers of employment shall not occur until negative test results have been verified by the Human Resources Department.

### **Effect of Positive Result**

A finalist with a confirmed positive test **will not** be considered for employment.

1. The Human Resources Director will notify the department director or designee of the test result.
2. Positive test results will be held in strict confidence with only the department director or designee, and Human Resources Director having access with no release of results.
3. Employment decisions based on drug test results are final.
4. All finalists for employment as criminal justice officers and all veteran law enforcement officers who apply for transfer from another law enforcement agency or who apply for reinstatement must submit to drug/alcohol testing according to the drug testing rules adopted by the Sheriff's Standards Division of the State of North Carolina.

Each County employee is subject to post-accident and reasonable suspicion testing. Employees classified in high risk or safety sensitive positions are subject to all sections of the above policy and to the following policy.

### **High Risk or Safety Sensitive Categories**

- A safety sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch, maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who holds a Commercial Driver's License. Safety sensitive Positions covered under this category include:
  - a. Dispatcher/Scheduler
  - b. Transportation Administrative Support Assistant
  - c. Transit Vehicle Drivers
  - d. Lead Transit Vehicle Drivers
  - e. Transportation Coordinator
  - f. Heavy equipment operators (Landfill)
  - g. Mechanics

- h. Sanitation Truck Drivers
  - i. Armed law enforcement officers
- Positions requiring the operations of vehicles, machinery, equipment or the handling of hazardous materials, the mishandling of anything which may place the employee, fellow employees or the general public at risk of serious injury or the nature of which would create a security risk in the workplace.
  - Positions where the incumbent's mental fitness is necessary to minimize or prevent the risks described above. Safety sensitive positions covered under these categories include:
    - a. Emergency Service Workers
    - b. General Services – Maintenance Workers
    - c. General Services – Maintenance Mechanics
    - d. General Services – Housekeeping Assistants
    - e. General Services – Supervisors
    - f. General Services – Director
    - g. General Services – Horticulturist
    - h. Others as identified in Appendix A

### **Prohibited Substances**

"Prohibited Substances" addressed by this policy include the following:

- Illegally Used Controlled Substances or Drugs
- Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, Opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the W.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
- Prescription/Over the Counter Drugs are the appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance, which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected, must be reported to the Human Resources Director. In addition, the employee must obtain a written release from the attending physician releasing the person to

perform their job duties any time they obtain a performance-altering prescription. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing any type of transit business is prohibited.

- The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing transit business is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

### **Prohibited Conduct**

- Manufacture, trafficking, possession, and use of a controlled substance.
- Lee County employees working in high risk safety sensitive positions are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substance on Lee County Government property, in transit or other Lee County vehicles, in uniform or while on transit system or on any other County business.
- Any safety sensitive or non-safety sensitive employee who is reasonably suspected of Being intoxicated, impaired, under the influence of a prohibited substance, or not fit for Duty shall be suspended from job duties pending an investigation and verification of Condition.
- Employees found to be under the influence of a prohibited substance or who fail to pass a drug or alcohol test shall be removed from duty and their employment eliminated. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- No safety sensitive or non-safety sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety sensitive or non-safety sensitive employee shall use alcohol while on duty, in uniform, while performing safety sensitive functions, or just before or just after performing a safety sensitive function. No safety sensitive or non-safety sensitive employee shall use alcohol within four hours of reporting for duty or during the hours that they are on call.

Employees who violate the provision above will be discharged. Law enforcement shall be notified as appropriate, where criminal activity is suspected.

### **Compliance and Testing Requirements**

All safety sensitive and non-safety sensitive employees will be subject to urine drug testing and/or breathe alcohol testing as a condition of employment. Any safety sensitive or non-safety sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any safety sensitive or non-safety sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of these actions will result in the employee's removal from duty and their employment terminated.

Refusal can include an inability to provide a sufficient urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

### **Treatment Requirements**

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use policies. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with Lee County requirements for treatment, after care or return to duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services is at the employee's expense. Employees may use accumulated leave as outlined in the Lee County Personnel Policy to participate in the prescribed rehabilitation program.

### **Notification of Criminal Drug Conviction**

All employees are required to notify the Lee County Human Resources Director and Department Director of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision may result in termination.

### **Proper Application of the Policy**

Lee County Government is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any Director/Supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates shall be subject to disciplinary action up to and including dismissal.

### **Testing Procedure**

Analytical urine drug testing and breathe testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. All safety sensitive and non-safety sensitive employees shall be subject to testing prior to employment, for

reasonable suspicion, and following an accident. Those employees who perform safety sensitive functions as defined in this policy shall also be subject to testing on a random, unannounced basis.

If an employee is being tested for return to duty or a follow-up test, the collection of the sample will be under direct observation.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

The drugs that will be tested for include marijuana, cocaine, Opioids, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen.

For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40 as amended.

In instances where there is reason to believe an employee is abusing a substance other than the five drugs listed above, Lee County Government reserves the right to test for additional drugs under Lee County's own authority using standard laboratory testing protocols.

Test for breath alcohol concentrations will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed using a NHTSA-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT).

A safety sensitive or non-safety sensitive employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02.

The inability to perform safety sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused absence subject to Lee County disciplinary procedures. An alcohol test concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 665 for safety sensitive employees.

Any safety sensitive or non-safety sensitive employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug/alcohol test will also result in

termination. Lee County affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

### **Employee Requested Testing**

Any safety sensitive or non-safety sensitive employee who questions the results of a required drug may request that the split sample be tested. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample.

All cost for such testing is paid by the employee unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40. As amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

### **Pre-Employment Testing**

All safety sensitive and non-safety sensitive position applicants shall undergo urine drug testing immediately following the offer of and acceptance of employment or transfer into a safety sensitive or non-safety sensitive position.

### **Receipt of a negative drug test result is required prior to employment.**

Failure of a pre-employment drug test will disqualify an applicant for employment. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of the Human Resources Director and a negative pre-employment drug test will be required prior to further consideration for employment.

### **Reasonable Suspicion Testing**

All safety sensitive and non-safety sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breathe testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to the following:

- Observable occurrences, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs.
- A report of an employee's use of alcohol or drugs, while in the course of their work, provided by a reliable and credible source.
- A pattern of unexplained, preventable or potentially serious accidents and/or information based on specific objective facts that an employee has caused, or contributed to an accident while in the course of employee's work or is conducting County business while under the influence of alcohol or drugs.

- Evidence that an employee is involved in the unauthorized manufacture, solicitation, distribution, dispensation, possession, sale or use, of alcohol or drugs while working or while on the County's premises or in possession of or operating a County vehicle, machinery or equipment.
- Combative, abusive, violent or disruptive behavior (verbal or physical); fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
- Erratic behavior/mood swings.
- Relevant body or breathe odors.
- The focus of investigation, arrest or conviction for drug related offense.
- Evidence of substance abuse or drug test tampering.
- A pattern of excessive absenteeism, tardiness or deterioration in work performance in combination with an observable occurrence as described above.

### **Procedures**

The following procedures apply when a supervisor has reasonable cause to believe a employee is in violation of the County's Drug and Alcohol Free Workplace Policy.

- The Supervisor shall review the circumstances and actions which are the basis for the reasonable cause/suspicion with the department director or designee.
- The employee may be suspended for investigatory purposes in accordance with established policy.
- In cases which involve possible manufacture, solicitation, distribution, dispensing, selling or possession of controlled substances in the work place, the department director or designee shall contact the local law enforcement agency and State Bureau of Investigation for assistance.
- The Supervisor or Department Director shall document the facts in writing as fully as possible and instruct witnesses to reduce their observations to writing to the extent possible. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance and a general discussion of the circumstances existing at the time.
- Reasonable suspicion referrals must be made to the Human Resources Director by a Supervisor/Department Director who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

### **Post-Accident Testing**

All safety sensitive and non-safety sensitive employees will be required to undergo urine and breathe testing if they are involved in an accident, or any vehicle owned, leased, or otherwise operated under the authority of Lee County Government, (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety sensitive and non-safety sensitive employees whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage; unless the employee can be completely discounted as a contributing factor to the accident.

Following an accident, the safety sensitive and/or non- safety sensitive employee(s) will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing.

Any safety sensitive or non-safety sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety sensitive or non-safety sensitive employee who leaves the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the operations personnel, but also any other covered employee whose performance could have contributed to the accident.

### **Random Testing**

Employees in safety sensitive positions will be subjected to random, unannounced testing. The selection of safety sensitive employees for random alcohol testing will be made using a scientifically valid method that ensures that each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.

### **Employment Assessment**

Any safety sensitive and non-safety sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional through the Employee Assistance Program. Assessment by a Substance Abuse Professional or participation in the County's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with Lee County. Lee County Human Resources Department should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

If a safety sensitive or non-safety sensitive employee is allowed to return to duty, he/she must properly follow the rehabilitation program prescribed by the Substance Abuse Professional. The employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up testing for a period of one to

five years. The cost of any treatment or rehabilitation services are the responsibility of the employee. Employees will be allowed to take accumulated leave in accordance with the Lee County Personnel Policy to participate in the prescribed rehabilitation program.

### **Rehabilitation**

Lee County Government will support the employee in his/her efforts to rehabilitate himself/herself when treatment is initiated by the employee. An employee maybe given extended leave to receive inpatient care. Upon release to duty by a qualified professional the employee will be required to sign a written agreement that may include (but is not limited to):

- A release to work statement from the evaluating Substance Abuse Professional.
- A negative test for drugs and/or alcohol requirement for future going forward.
- An agreement to unannounced frequent follow-up testing for a period of one to five years with a least six tests performed the first year. Follow-up testing beyond one year will be at the recommendation of the evaluating SAP.
- A statement of work related behaviors.
- An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

## **5.0 Training**

### **Supervisor and Employee Training**

This training will include an explanation of the dangers of substance abuse, the prohibited conduct of all employees, the testing requirements, the rights of management and employees, steps to take following an accident and the disciplinary consequences of substance abuse.

## **APPENDIX A**

All County employees are subject to post-accident and reasonable suspicion testing. The following positions are designated as High Risk or Safety sensitive Categories and are subject to random and pre-placement testing in addition to post-accident and reasonable suspicion testing:

<b><u>Department</u></b>	<b><u>Position Title</u></b>
Administration	County Manager Administrative/Risk Management Specialist County Attorney
Finance	Director
Tax	Tax Administrator Appraisal Manager Real Property Appraisers Revaluation Coordinator
Elections	Director
Register of Deeds	Register of Deeds
Information Technology	Director
Client Services Program	Program Coordinator
Senior Services	Director
Library	All Employees
Soil Conservation	Conservation Tech
Recreation	Director Athletic Supervisor Outdoor Education Specialist Parks Operation Supervisor Recreation Programmer Fitness Gym Supervisor

<u>Department</u>	<u>Position Title</u>	
Health Department	Director Environmental Health Specialist	
	Environmental Health Supervisor	
	Public Health Nurse I Public Health Nurse II Public Health Nurse III	
	Public Health Nurse Supervisor	
	Animal Control Officers Lab Technician II Physician Extender	
	<u>Social Services</u>	Director Social Worker IV Social Worker III Social Worker II Social Worker I
		Community Social - Services Assistant
		Social Work Program Manager
		Social Work Supervisors

## **Addendum A     Lee County Transit System Drug and Alcohol Free Workplace Policy**

The County of Lee Transit System is subjected to the Lee County Drug and Alcohol Free Workplace Policy and to the following Drug and Alcohol Testing Policy that is Transit specific.

### **1.0 Substance Abuse Policy**

Lee County Government is dedicated to providing safe, dependable, and cost efficient transportation services to our transit system passengers. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the public. In keeping with this mission, Lee County Transit System declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

### **2.0 Purpose**

The Lee County Transit System provides public transit and paratransit services for the residents of Lee County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the public. In keeping with this mission, Lee County Transit System declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

- 1) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

- 2) Any provisions set forth in this policy that are included under the sole authority of Lee County Transit System and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Lee County Transit System will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

## **A. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above-mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

## **B. DEFINITIONS**

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Adulterated specimen:* A specimen that has been altered, as evidenced by test results either showing a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

*Cancelled Test:* A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Covered Employee Under FTA Authority:* An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

*Designated Employer Representative (DER):* An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*DOT, The Department, DOT Agency:* These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT):* A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

*Initial Drug Test: (Screening Drug Test)* the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

*Initial Specimen Validity Test:* The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

*Invalid Result:* The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

*Limit of Detection (LOD):* The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

*Limit of Quantitation:* For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

*Negative result:* The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Non-negative test result:* A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

*Prohibited drug:* Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

*Reconfirmed:* The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

*Rejected for Testing:* The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver's License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

*Split Specimen Collection:* A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

*Substance Abuse Professional (SAP):* A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

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

*Test Refusal:* The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breathe specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breathe without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

### **C. EDUCATION AND TRAINING**

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

### **D. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.
  - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug

metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Lee County Transit System supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

## **E. PROHIBITED CONDUCT**

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
  - a. An employee with a breath alcohol concentration, which measures 0.02-0.039, is not considered to have violated the USDOT-FTA drug

and alcohol regulations, provided the employee has not consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:

- i. The employee's alcohol concentration measures less than 0.02; or
  - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
  - 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
  - 7) Lee County Transit System, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
  - 8) Consistent with the Drug-free Workplace Act of 1988, all Lee County Transit System employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

#### **F. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Lee County Transit System management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

#### **G. TESTING REQUIREMENTS**

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Lee County Transit System authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

- 3) All covered employees will be subject to urine drug testing and breathe alcohol testing as a condition of ongoing employment with Lee County Transit System. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

## **H. DRUG TESTING PROCEDURES**

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Lee County Transit System. If a legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Lee County Transit System will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample; however Lee County Transit System will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
  - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
    - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Lee County Transit System that there was not an adequate medical explanation for the result;
    - ii. The MRO reports to Lee County Transit System that the original positive, adulterated, or substituted test result had to be

cancelled because the test of the split specimen could not be performed;

- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

## **I. ALCOHOL TESTING PROCEDURES**

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) Lee County Transit System affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

#### **J. PRE-EMPLOYMENT TESTING**

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
  - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
  - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
  - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
  - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company

authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.

- e. If a pre-employment test is canceled, Lee County Transit System will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *Lee County Transit System* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. Lee County Transit System is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Lee County Transit System proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

## **K. REASONABLE SUSPICION TESTING**

1) All Lee County Transit System FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be

conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Lee County Transit System's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) Lee County Transit System shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Lee County Transit System.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Lee County Transit System shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the Lee County Transit System. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

- 5) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Lee County Transit System shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the Lee County Transit System. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

#### **L. POST-ACCIDENT TESTING**

- 1) **FATAL ACCIDENTS** – A covered employee will be required to undergo urine and breathe testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, which results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) **NON-FATAL ACCIDENTS** - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
  - a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
  - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

## **Addendum B Lee County Transit System Drug and Alcohol Free Workplace Policy**

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

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

In the rare event that Lee County Transit System is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Lee County Transit System may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

### **M. RANDOM TESTING**

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.

## **Addendum B Lee County Transit System Drug and Alcohol Free Workplace Policy**

- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Lee County Transit System authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Lee County Transit System's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

### **N. RETURN-TO-DUTY TESTING**

Lee County Transit System will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event, an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test, a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test, a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

### **O. FOLLOW-UP TESTING**

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's

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assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

### **P. RESULT OF DRUG/ALCOHOL TEST**

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute, the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
  - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breathe specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
  - d. In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
  - e. Fail to provide a sufficient quantity of urine or breathe without a valid medical explanation.
  - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
  - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
  - h. Fail to cooperate with any part of the testing process.

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- i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
- j. Possess or wear a prosthetic or other device used to tamper with the collection process.
- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
  - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Lee County Transit System.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Lee County Transit System and will be performed using non-DOT testing forms.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
  - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**

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- e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
  - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Lee County Transit System
  - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

### **Q. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

### **R. PROPER APPLICATION OF THE POLICY**

Lee County Transit System is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

### **S. INFORMATION DISCLOSURE**

- 1) Drug/alcohol testing records shall be maintained by the Lee County Transit System drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.

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- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Lee County Transit or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the Lee County Board of Commissioners] on February 19, 2018.

# DRUG AND ALCOHOL POLICY ADDENDUM EFFECTIVE: JANUARY 1, 2018

The United States Department of Transportation (USDOT) – Office of Drug and Alcohol Policy and Compliance (ODAPC) has issued an update to USDOT’s drug and alcohol testing regulation (49 CFR Part 40). The new regulation has been revised and the changes (summarized below) will become effective on January 1, 2018. Therefore, the Lee County Transit System drug and alcohol testing policy is amended as follows:

1. CHANGES TO THE DRUG TESTING PANEL

a. Four new opioids added to the drug testing panel –

i. The USDOT drug test remains a “5-panel” drug test; however, the list of opioids for which are tested will expand from three to seven opioids.

ii. The “opioid” category will continue to test for codeine, morphine, and heroin; however, the “opioid” testing panel will now be expanded to include four (4) new semi-synthetic opioids:

1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone, and (4) Oxymorphone.

2. Common brand names for these semi-synthetic opioids include, but may not be limited to: OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

b. ‘MDA’ will be tested as an initial test analyte

c. ‘MDEA’ will no longer be tested for under the “amphetamines” category.

2. BLIND SPECIMEN TESTING

a. The USDOT no longer requires blind specimens to be submitted to laboratories.

3. ADDITIONS TO THE LIST OF “FATAL FLAWS”

a. The following three circumstances have been added to the list of “fatal flaws”:

i. No CCF received by the laboratory with the urine specimen.

ii. In cases where a specimen has been collected, there was no specimen submitted with the CCF to the laboratory.

iii. Two separate collections are performed using one CCF.

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### 4. MRO VERIFICATION OF PRESCRIPTIONS

- a. When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk.
  - i. Specifically, in cases where an MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five (5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist the MRO in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.

### 5. DEFINITIONS

- a. The term "***DOT, the Department, DOT Agency***"
  - i. Modified to encompass all DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency.
  - ii. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes.
- b. The term "***Opiate***" is replaced with the term "***Opioid***" in all points of reference.
- c. The definition of "***Alcohol Screening Device (ASD)***" is modified to include reference to the list of approved devices as listed on ODAPC's website.
- d. The definition of "***Evidential Breath Testing Device (EBT)***" is modified to include reference to the list of approved devices as listed on ODAPC's website.

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- e. The definition of "**Substance Abuse Professional (SAP)**" will be modified to include reference to ODAPC's website. The fully revised definition includes:
  - i. A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**NOTE:** The revisions listed in this addendum include only those revisions to 49 CFR Part 40 which may be referenced in our drug & alcohol testing policy. A list of all the revisions made to 49 CFR Part 40 can be found at <https://www.transportation.gov/odapc>.

**Addendum Authorization Date:** February 19, 2018

**Authorized Official (Printed Name):** Amy M. Dalrymple, Chair Lee County Board of Commissioners

**Signature:** 

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### Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Deborah Davidson	Director of Lee County Senior Services	Oversees COLTS Department
Joyce McGehee	Director of Lee County Human Resources	Oversees Drug and Alcohol Policy
Amanda Hart	Human Resources Tech	Oversees Pre-employment and Random Drug Testing
Sidney Morgan	Transportation Coordinator County of Lee Transit	Relays Information to COLTS staff

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**Attachment B Contacts**

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

**Lee County Transit System Drug and Alcohol Program Manager**

Name: Amanda Hart  
Title: Human Resources Technician  
Address: 408 Summit Drive, Sanford, NC 27331  
Telephone Number: 919-718-4615 extension 5502

**Medical Review Officer**

Name: Dr. John Mangum  
Title: Medical Review Officer  
Address: 555 Carthage Street, Sanford NC 27331  
Telephone Number: 919-774-6518

**Substance Abuse Professional**

Name: Gene P. Smith, CSAP, LSAP  
Title: Executive Director, Life Changes, Inc.  
Address: PO Box 531, Danville, Virginia 24543  
Telephone Number: 434-822-6600  
800-776-3022

**HHS Certified Laboratory Primary Specimen**

Name: LabCorp  
Address: 1904 T.W. Alexander Drive, RTP, NC 27709  
Telephone Number: 919-572-6900

**HHS Certified Laboratory Split Specimen**

Name: LabCorp  
Address: 1904 T.W. Alexander Drive, RTP, NC 27709  
Telephone Number: 919-572-6900