

CITY OF MADISON
DRUG AND ALCOHOL ABUSE POLICY
FOR EMPLOYEES OF THE
MADISON METRO TRANSIT SYSTEM
(THE CITY OF MADISON'S TRANSIT DIVISION)

1.0 POLICY

It is the City of Madison's desire to ensure that Madison Metro passengers receive safe public transit services and that all transit system employees are provided a safe work environment. In order to achieve this, it is City policy to:

1. assure that employees are not impaired in their ability to perform assigned duties,
2. create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse,
3. prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, and
4. to encourage employees to seek professional assistance anytime alcohol or drug dependency adversely affect their ability to perform their assigned duties.

2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable State and Federal laws and regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has enacted 49 CFR Part 655 that mandates urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. All testing procedures shall be completed in accordance with 49 CFR Part 40: Procedures For Transportation Workplace Drug and Alcohol Testing Programs. In addition, the DOT has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," requiring the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for transit division employees.

3.0 APPLICABILITY

This policy applies to all safety sensitive transit system employees. Testing shall be conducted pursuant to Federal law and regulations and shall apply to those transit system employees performing a safety-sensitive function and/or who are required to hold a Commercial Drivers License (CDL). This policy shall also apply to transit system contractors when performing any transit related business which involve safety sensitive functions under contract to the City of Madison. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Visitors, vendors, and contractor employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy. They are expected to respect this policy,

Employees who perform safety-sensitive functions will be subject to random testing. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation, dispatch, and maintenance of a revenue service vehicle (whether or not the vehicle is in revenue service) and any other employee who is required, as a condition of their employment, to hold a CDL. Supervisors are safety-sensitive only if they may perform a safety-sensitive duty. A list of safety-sensitive positions and employees required to hold a CDL are contained in Appendix A.

4.0 PROHIBITED SUBSTANCES

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

4.1 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), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: marijuana, amphetamines, opiates, 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.

4.2 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 function, motor skills, or judgement may be adversely affected should be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing work-related duties.

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. The prescription 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 transit business is prohibited.

4.3 Alcohol

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

In the event that an employee is required to use an alcohol based prescription drug and an alternative is not available, the employee shall present information to the Human Resources Director. The Human Resources Director shall review the information and determine if it is necessary to make an accommodation in this circumstance.

5.0 PROHIBITED CONDUCT

5.1 Manufacture, Trafficking, Possession, and Use

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on transit system premises, in transit vehicles, in uniform, or while on transit system business will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

Any 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 prohibited substances or who fail to pass a drug or alcohol test shall be immediately removed from duty and subject to disciplinary action, up to and including discharge. 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. If necessary, the appropriate law enforcement agency will be notified to safeguard the employee's well being.

5.3 Alcohol Use

No covered employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is

0.02 or greater. No employee shall use alcohol while on duty or while performing safety-sensitive functions. No employee shall have used alcohol within four (4) hours of reporting for duty. No employee shall use alcohol during the hours that they are on call. Violation of these provisions is prohibited and punishable by disciplinary action up to and including discharge.

If the State of Wisconsin has a standard which is stricter than the Federal standard reflected above, then the State standard shall apply. Wisconsin currently has a "zero tolerance" standard which prohibits employees from performing their duties and employers from allowing employees to perform their duties when any detectable amount of alcohol is present.

5.4 Compliance with Testing Requirements

All covered employees will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and subject to disciplinary action up to and including discharge.

Refusal to take a test constitutes a verified positive drug test result. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, failure to arrive in a timely manner or physical absence resulting in the inability to conduct the test.

5.5 Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol and substance abuse problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse. Any employee who refuses or fails to comply with treatment requirements, after care, or return to duty shall be subject to disciplinary action up to and including discharge.

5.6 Notifying the Transit System of Criminal Drug Conviction

Any employee who fails to immediately notify the transit system of any criminal drug statute conviction shall be subject to disciplinary action up to and including discharge.

5.7 Proper Application of the Policy

The City is dedicated to assuring fair and equitable application of this policy. Therefore, supervisors and managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. A minimum of 60 minutes of supervisor training on drugs and 60 minutes of supervisor training on alcohol is required. In addition, the City will provide Supervisor Reasonable Suspicion training. Any supervisor or 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 discharge.

In addition, all new employees in a safety-sensitive position receive a minimum of 60 minutes training on the drug and alcohol abuse program.

5.8 Life Consequences of Alcohol Misuse

The more heavily you drink, the greater the potential for problems at home, at work, with friends, and even with strangers. These problems may include:

- Arguments with or estrangement from your spouse and other family members;
- Strained relationships with coworkers;
- Absence from or lateness to work with increasing frequency;
- Loss of employment due to decreased productivity; and
- Committing or being the victim of violence.

But other problems--such as liver disease, heart disease, certain forms of cancer, and pancreatitis--often develop more gradually and may become evident only after long-term heavy drinking. Women may develop alcohol-related health problems after consuming less alcohol than men do over a shorter period of time. Because alcohol affects many organs in the body, long-term heavy drinking puts you at risk for developing serious health problems.

If you or someone you know needs help or more information, the Employee Assistance Program is available to provide:

- 24-hour professional and confidential assistance
- Information, support and referral to resources
- Follow-up to make sure your needs get met

6.0 TESTING FOR PROHIBITED SUBSTANCES

Analytical urine drug testing and breath testing for alcohol may be conducted as required by Federal regulations. Safety-sensitive employees shall be subject to testing prior to employment, for reasonable suspicions, and following an accident. In addition, employees will be tested prior to and after return-to-duty after failing a drug and/or alcohol test and /or after completion of rehabilitation treatment. The testing is performed in accordance with 49 CFR Part 40. Those employees who perform safety-sensitive functions as defined in the Appendix A shall also be subject to testing on a random, unannounced basis.

The testing will be performed by a DHHS-certified laboratory. The City Of Madison contracts with General Medical Laboratories to perform urine and breath analysis services. 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 Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40. Procedures are in place to protect the employee and the integrity of the drug

testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee. These include the split specimen collection method, USDOT Chain of Custody and Control Form with unique identification number, initial screen, and confirmatory test. Every initial apparently positive drug and alcohol test must be followed by a second, specific confirmation procedure.

Drug testing laboratory results will be reviewed by a qualified Medical Review Officer (MRO) to verify and validate test results. The MRO will be a licensed physician with knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's test result together with his or her medical history and any other relevant biomedical information.

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

Test for 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). 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. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test in violation of this policy. Alcohol testing shall be accomplished while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

Any employee that has a confirmed positive drug or alcohol test will be removed from duty, informed of education and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP). A positive drug and /or alcohol test will also result in disciplinary action up to and including discharge.

Laboratories are required to maintain employee test records in confidence. Laboratories shall disclose information related to positive drug test of an individual to the individual, the employer, and the decision maker in a lawsuit, grievance, or other proceeding initiated on behalf of the employee.

The City affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

6.1 Pre-Employment Testing

All applicants for a safety-sensitive position shall undergo urine drug testing prior to employment.

Receipt by the City of a satisfactory test result is required prior to employment. Applicants for safety sensitive positions will be required to submit to an unannounced breath alcohol test prior to being placed in revenue service (if an operator) or performing regular duties (if in non-operator positions). Failure of a drug or alcohol test will disqualify an applicant for employment for a period of twelve (12) months. Evidence of the absence of drug or alcohol dependency from a Substance Abuse Professional and negative drug and alcohol tests will be required prior to further consideration for employment.

When an employee has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the random selection pool during that time, a pre-employment drug test with a verified negative result will be necessary before returning to work.

6.2 Reasonable Suspicion Testing

All employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. Reasonable suspicion testing is required when (1) one trained supervisor can (2) articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by (3) observing the appearance, behavior, speech or body odors of the covered employee. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the long or short term effects of substance abuse. Examples of behaviors that may trigger a reasonable suspicion interview include, but are not limited to the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
4. Occurrence of a serious or potentially serious accident that may have been caused by human error.
5. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion determinations will be made by a supervisor or manager who is trained to detect 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 prohibited substance abuse or misuse.

6.3 Post-Accident Testing

Fatal Accidents. Employees will be required to undergo urine and breath testing if they are involved in an accident with a transit system vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all safety-sensitive employees that are on duty in the vehicles and any other whose performance could have contributed to the accident.

Non-fatal Accidents. A post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site. In non-fatal accidents, a post accident test does not need to be conducted if it is determined, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and 32 hours for drug testing. Any 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 whichever occurs first. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment will be considered terminated. Employees tested under this provision will include not only the operations personnel, but any other covered employees whose performance could have contributed to the accident.

6.4 Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced testing. The random selection method shall be a scientifically valid method, such as a random number table or a computer-based random number generator. There is no discretion on the part of management or operations in the selection and notification of individuals for testing. The testing goal is to annually complete tests at current mandated rates. The dates for administering unannounced testing of randomly selected covered employees will be spread reasonably through out the calendar year.

6.5 Return-to-Duty/Follow-up Testing

All employees who previously tested positive on a drug or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. Employees will be required to undergo frequent unannounced follow-up urine and breath testing during the period of their return-to-duty evaluation period.

6.6 Employee Requested Testing

Any employee who questions the results of a required drug test under paragraphs 6.1 through 6.5 of this policy may request that an additional test be conducted. This test must be conducted at a

different DHHS certified laboratory. The test must be conducted on a split sample that was provided at the same time as the original sample. All costs for such testing are paid by the employee unless the second test invalidates 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. The employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours (including weekends and holidays) of notice, which may be made orally, of the initial 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.

6.7 Dilute Negative Test

An employee producing a dilute negative sample in a post-accident and/or reasonable suspicion test will be directed to take another test immediately upon the employer's notification by the MRO. The results of the second test will become the test of record. A dilute negative test in a random test situation will be accepted as a negative test.

7.0 EMPLOYMENT ASSESSMENT

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40 will be evaluated by a Substance Abuse Professional (SAP). A SAP is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the NAADAC or the ICRC) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the City. The City's policies and the Labor Agreement and Substance Abuse Memorandum of Understanding between the City and Teamsters Union Local No. 695 should be consulted to determine the penalty for performance based infractions and violations of policy provisions.

If an employee is allowed to return to duty, the SAP determines a follow-up testing plan. The SAP's plan must include at least a minimum of six follow-up tests within the first 12 months back in safety-sensitive duties. The employee must properly follow the rehabilitation program prescribed by the SAP, the employee must pass return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one (1) to five (5) years. The cost of any treatment or use of sick leave and vacation leave to participate in rehabilitation will be determined on a case-by-case basis.

8.0 RETURN TO WORK AGREEMENTS

Employees who reenter the workforce must enter into a return to work agreement. The Union will be a party to return to work agreements for represented employees. The agreement may include, but will not be limited to, the following:

1. A release to work statement from an approved SAP.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing.
4. A statement of expected work related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the return to work agreement is grounds for discipline up to and including discharge.

9.0 REVISIONS TO POLICY

In the event that State and/or Federal laws and/or regulations change and have an impact on this policy statement, this policy statement shall be revised to be in accordance with the new laws and/or regulations.

10.0 SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free transit program should be addressed to the following transit system representatives:

Transit Service Manager, or in his/her absence, Transit General Manager
Madison Metro Transit System
1101 East Washington Avenue
Madison, WI 53703
Phone number: 608/266-4904

Adopted by Transit and Parking Commission: January 15, 2008

APPENDIX A

MADISON METRO TRANSIT SYSTEM
SAFETY-SENSITIVE POSITIONS

AND

POSITIONS REQUIRED TO HOLD A COMMERCIAL DRIVERS LICENSE

<i>TITLE</i>	<i>COMP. GROUP</i>	<i>RANGE</i>
Service Worker	41	3
Entry Level "C" Mechanic	41	4
Entry Level Utility	41	4
Utility	41	5
Garage Dispatcher	41	5
Transit Operator	41	5A
"C" Mechanic	41	6
"B" Mechanic	41	8
Paint & Body	41	9
"A" Mechanic	41	9
Lead Worker	41	10
Maintenance Supervisor	44	8
Transit Maintenance Mgr.	44	14
Operations Supervisor	44	8
Transit Operations Mgr	44	14