



**DRUG & ALCOHOL
POLICY**

August 18, 2021

GREEN BAY METRO TRANSIT (GBM)
Acknowledgement of Employer's Drug and Alcohol Testing Policy

I, _____, the undersigned, hereby acknowledge that I have received a copy of the anti-drug and alcohol misuse program policy mandated by the US Department of Transportation, Federal Transit Administration for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Part 655, as amended, and has been duly adopted by the governing board of the employer. Any provisions contained herein which are not required by 49 CFR Part 655 or 49 CFR Part 40, as amended, that have been solely imposed on the authority of the employer are designated as such on the policy document.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained therein. I will seek and get clarifications for any questions from the employer contact person listed in this policy. I also understand that compliance with all provisions contained in the policy is a condition of my employment.

I further understand that the information contained in the approved policy dated _____, is subject to change, and that any such changes, or addendum, shall be given to me in a manner consistent with the provision of 49 CFR Part 655, as amended.

Signature of Employee

Date

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GREEN BAY METRO TRANSIT (GBM)

Drug & Alcohol Policy

1.0 Policy Statement

The Green Bay Transit Commission adopted the GBM Policy on Drug and Alcohol Abuse on 19 September 2007. GBM is dedicated to providing safe, dependable and economical transportation services in the greater Green Bay metropolitan area. GBM's employees are its most valuable resource, and it is our goal to provide a healthy, satisfying work environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

1. Ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
2. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
3. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and
4. To encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

1.0 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 misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) 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. The U. S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

3.0 Applicability

This policy applies to all safety-sensitive transit system employees, paid part-time employees, volunteers, contract employees and contractors when they are on transit property or when performing any transit-related, safety-sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Contract employees will not be permitted to conduct transit business if found to be in violation of this policy. Non-safety sensitive employees are subject to this policy as noted.

In addition to being subject to all other elements of this policy, employees who perform “safety sensitive functions” for GBM, as that term is defined in the FTA regulations (49 CFR Part 655), are subject to random drug and alcohol testing and other special requirements set forth in this policy. Generally, a safety-sensitive function occurs when an employee is performing, ready to perform or immediately available to perform any duty related to safe operation of mass transit services. The following are safety-sensitive functions:

1. Operation of a revenue service vehicle, whether or not such vehicle is in revenue service.
2. Controlling dispatch or movement of a revenue service vehicle.
3. Maintaining revenue service vehicles or equipment used in revenue service.
4. Operating a non-revenue service vehicle when required to be operated by a holder of a CDL.
5. Carrying a firearm for security purposes.
6. Supervising, where the supervisor performs any function listed in items 1-5 above.
7. Contractors acting as transit system employees.

GBM has reviewed the actual duties performed by employees in all job classifications to determine which employees perform safety-sensitive functions, and has determined which job functions may require the performance of safety-sensitive duties. An analysis will be performed if any new job classifications are developed to determine if the new job classifications should be considered safety-sensitive.

A list of safety-sensitive positions is included at the end of this policy.

Participation in Metro’s drug and alcohol testing program is a requirement of each safety-sensitive employee and thus, is a condition of employment.

4.0 Prohibited Substances

Prohibited substances addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

GBM adheres to the Code of Federal Regulations, 49 CFR, Part 40.

4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, employees are required to report to their supervisor any medication, prescribed and/or over the counter medications which may interfere with the safe and effective performance of their job duties. Educational information regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. The use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be discussed by

employees with their appropriate health care professional before performing work-related duties. Employees are urged strongly to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect his/her ability to safely operate or maintain vehicles. Employees are required to provide a Supervisor with written documentation from a health care professional stating the employee can perform their specific job while taking the medication.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If the employee tests positive for drugs, he/she must provide, within 24 hours, a valid prescription. A valid prescription includes the patient's name, the name of the substance, quantity/amount to be taken, and the time period of the authorization. The misuse or abuse of legal drugs while performing transit business, in uniform or on transit property, is prohibited.

4.3 Alcohol

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 grams of alcohol per 210 liter of breath as measured by a breath-testing device.

5.0 Prohibited Conduct

5.1 Manufacture, Trafficking, Possession and Use

All transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on transit authority premises, in transit vehicles, in uniform, or while on transit authority business. Employees who violate this provision will be terminated. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

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 who fail to pass a drug or alcohol test shall be removed from duty and referred to a Substance Abuse Professional (SAP). Failure of an employee to obtain a SAP evaluation and/or failure to follow the SAP's recommended treatment plan will be cause for termination of employment. 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. Non-safety-sensitive employees are exempt under FTA regulations, but are governed under GBM's own policy authority as noted.

5.3 Alcohol Use

No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned duties 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 performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours of reporting for duty, eight hours following an accident, or during the hours that they are on call. Violation of these provisions is prohibited and is cause for termination of employment. Non-safety-sensitive employees are exempt under FTA regulations, but are governed under GBM's own policy authority as noted.

Not Negative Alcohol Test

(0.02 - 0.04) If an employee tests between 0.02 and 0.04 on an alcohol test, the employee will be removed from service for eight hours or unless a retest results in a concentration of less than 0.02. This absence will be considered an unexcused absence or miss out subject to GBM's disciplinary procedures.

5.4 Compliance with Testing Requirements

Under FTA guidelines, all safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing (pre-employment, random, post accident or reasonable suspension) shall be removed from duty, and consequences will be assessed. GBM will consider the test refusal to be a positive test, and the employee will be provided with a list of Substance Abuse Professionals (SAP) for evaluation. Failure of an employee to obtain an SAP evaluation and/or failure to follow the SAP's recommended treatment plan will be cause for termination of employment. Any 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 his/her employment terminated. Refusal can include an inability to provide a sufficient urine specimen or breath 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.

Several behaviors may constitute a refusal to submit to a test. They are defined below:

A covered employee fails to provide a urine sample as required by 49 CFR Part 40, without a valid medical explanation, after he or she has received notice of the requirement to be tested in accordance with the provisions of this subpart, or engages in conduct that clearly obstructs the testing process.

An employee is considered to have refused to test if he/she fails to do the following:

§ 40.191 What is a refusal to take a DOT drug test, and what are the consequences?

- (a) As an employee, you have refused to take a drug test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.61(a));
- (2) Fail to remain at the testing site until the testing process is complete; Provided, That an employee who leaves the testing site before the testing process commences (see §40.63 (c)) for a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided, That an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63 (c)) for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));
- (6) Fail or decline to take an additional drug test the employer or collector has directed you to take (see, for instance, §40.197(b));
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- (9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admit to the collector or MRO that you adulterated or substituted the specimen.
 - (b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
 - (c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.

§ 40.261 What is a refusal to take an alcohol test, and what are the consequences?

- (a) As an employee, you are considered to have refused to take an alcohol test if you:
- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.241(a));
 - (2) Fail to remain at the testing site until the testing process is complete; Provided, That an employee who leaves the testing site before the testing process commences (see §40.243(a)) for a pre-employment test is not deemed to have refused to test;
 - (3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; Provided, That an employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences (see §40.243(a)) for a pre-employment test is not deemed to have refused to test;
 - (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.265(c));
 - (5) Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures outlined at §40.265(c);
 - (6) Fail to sign the certification at Step 2 of the ATF (see §§40.241(g) and 40.251(d));
or
 - (7) Fail to cooperate with any part of the testing process.
- (b) As an employee, if you refuse to take an alcohol test, you incur the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations.

5.5 Treatment Requirements

All employees are encouraged to make use of the available resources for treatment of alcohol misuse, legal, and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse as explained in this policy. Any safety-sensitive employee who refuses or fails to comply with the SAP's requirements for treatment, after care or return-to-duty directives, will be cause for termination of employment. Non-safety-sensitive employees also must adhere to these same guidelines. Non-safety sensitive employees are exempt under FTA guidelines, but adherence is regulated by GBM's own policy authority. The employee's insurance provider will coordinate the cost of the treatment or rehabilitation services. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment or rehabilitation services.

5.6 Notifying GBM of Criminal Drug Conviction

According to 49 CFR 32.205 all employees are required to notify GBM, in writing of any criminal drug statute conviction for a violation within five calendar days after such conviction.

5.7 Proper Application of the Policy

GBM 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 of employment.

5.8 Voluntary Treatment

GBM encourages employees to seek treatment voluntarily. Any employee who comes forth and notifies GBM of an alcohol or chemical abuse problem will be provided assistance. This assistance will include a mandatory referral to GBM's Substance Abuse Professional (SAP) at GBM's expense. Employees are encouraged but not mandated to follow the SAP's recommended treatment plan. An appropriate leave of absence may be granted for treatment and rehabilitation. Payment for treatment will be coordinated through the employee's health insurance provider. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment or rehabilitation services.

Voluntary requests for treatment must be made prior to any pending drug/alcohol test or disciplinary action. Employees will not be disciplined for requesting treatment, but will be expected to observe job performance standards and work rules as they apply to every employee. Any decision to seek help through GBM will not interfere with an employee's eligibility for promotional opportunities. Confidentiality of information will be maintained at all times.

5.9 Non-Safety-Sensitive Employees

Apart from FTA regulations, but under GBM's own authority, non-safety-sensitive employees who have a positive drug or alcohol test will be referred to GBM's Substance Abuse Professional (SAP) for assessment. GBM will assist and encourage non-safety-sensitive employees to comply with the SAP's recommended treatment plan. Employees will be expected to observe job performance standards and work rules as they apply to every employee. Depending upon the non-safety-sensitive employee's job duties, GBM reserves the right to remove the employee from his/her position and place the employee on an appropriate leave of absence. GBM's Designated Employer Representative (DER) will determine if the non-safety-sensitive employee is capable of safely and satisfactorily performing his/her essential job functions as outlined in the employee's job description.

5.10 Confidentiality

GBM affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be kept under the control of the GBM Human Resources

Department. The reports or test results may only be disclosed without an employee's consent when:

- The information is compelled by law or by judicial or administrative process;
- The information has been placed at issue in a formal dispute between the employee and employer.

Employee must sign a separate release every time substance testing information is to be disclosed. The employee must sign releases any time information is to be released to the employee, union representatives, subsequent employers, and to any other third party designated by the employee.

5.11 Employee Access to Records

An employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including 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.

6.0 Testing Procedures

Urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by federal regulations. All safety-sensitive employees shall be subject to drug testing prior to employment, for reasonable suspicion, random, and following an accident as defined in Section 6.2, 6.3, 6.4, 6.5 and 6.6 of this policy. Non-safety-sensitive employees will be subject to all testing except follow-up, return-to-duty and random testing under GBM's own authority and not FTA regulations.

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 Services (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, apart from FTA regulations, GBM reserves the right to test for additional drugs under GBM's own authority using standard laboratory testing protocols.

All drug testing laboratory results will only be released to and reviewed by a qualified Medical Review Officer (MRO) in order to verify and validate test results. The MRO will release findings only to a Designated Employer Representative (DER). A MRO shall be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result.

Before verifying that an employee has a positive test result, the MRO is responsible for contacting any such employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. An MRO staff person may make the initial contact, but they are prohibited from gathering medical information. If, after reasonable efforts, the MRO is unable to reach the employee directly, the MRO may contact GBM's DER for assistance in contacting the employee. GBM's DER will take maximum precautions to preserve the confidentiality to the MRO contact.

If, after making all diligent and reasonable efforts, neither the MRO nor GBM's DER are able to contact the employee within ten (10) days of the date the MRO received the confirmed positive test result from the laboratory, the MRO may verify the test result as positive. The MRO may also verify the test result as positive if the employee does not contact the MRO within three (3) days of being contacted by GBM's DER or the employee expressly declines the opportunity to discuss the test result. The MRO may reopen the verification of positive test if the employee presents documentation of serious injury or illness or other circumstances that unavoidably prevented the employee from being contacted within the designated time period, and if the employee then presents a legitimate (in the MRO's opinion) explanation for the positive test, the MRO shall declare the test to be negative.

The MRO will review and interpret an individual's medical history, including any medical records and biomedical information provided; affording the individual an opportunity to discuss the test result; and decide whether there is a legitimate medical explanation for the result, including legally prescribed medication.

The MRO can declare a test invalid or canceled based on the regulations specified in 49 CFR Part 40. A canceled/invalid test is considered neither a positive nor a negative test. An example of a canceled test is a urine sample being rejected by the laboratory. The MRO shall cancel the test and report the cancellation and the reasons for it to the FTA, employer, and employee. A negative dilute specimen will require a retest.

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). All breath alcohol test results will be reported only by an MRO or BAT to a Designated Employer Representative (DER). 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. 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 a safety-sensitive or non-safety-sensitive duty due to an alcohol test result greater than 0.02 but less than 0.04 will be considered an unexcused absence or miss out subject to GBM's disciplinary procedures. An alcohol 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 655 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. Non-safety-sensitive employees are exempt under FTA regulations, but are governed under GBM's own policy authority.

GBM does not use the practice known as a Stand-down. A Stand-down is the procedure of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

6.1 Compensation for Testing

GBM will pay employees for drug or alcohol testing according to the following:

Paid Testing: (random, reasonable suspicion, post injury and post-accident testing) Employees will be paid from the time they are notified of the testing and relieved of job duties or from the time they leave GBM property until such time as they are released by the supervisor escorting the employee. In the case of alcohol testing at GBM, the employee will be paid from the time they report to the appropriate office until they have completed the test.

Unpaid Testing: (pre-employment, pre-promotion or transfer, and return-to-work) Pre-employment, pre-promotion or transfer and return-to-work testing will not be paid.

6.2 Split Specimen Testing

Any safety-sensitive or non-safety-sensitive employee who questions the results of a required drug test under paragraphs 6.2 through 6.8 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 the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid by the employer. 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 documented facts that were beyond the control of the employee. Non-safety-sensitive employees are exempt under FTA regulations, but adherence is regulated by GBM's own policy authority.

6.3 Pre-Employment Testing

All safety-sensitive and non-safety-sensitive position applicants shall undergo urine drug testing immediately following the conditional offer of employment or transfer into a safety-sensitive position. Receipt by the transit system of a negative drug test result is required prior to employment. Pre-employment drug tests may be administered only after the applicant has signed a consent form. Non-safety-sensitive applicants are tested apart from FTA regulations, but under GBM's own policy. Failure of a pre-employment drug test will

disqualify an applicant for employment at GBM for at least six months. GBM will reconsider a safety-sensitive applicant's application for employment under the following conditions:

1. At least six months has lapsed between applications;
2. The applicant can show proof of successfully completing a substance abuse treatment program;
3. The applicant must pass a new drug test;
4. The applicant must be willing to be subjected to the random testing program devised for employees who have tested positive.

When a covered 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 employer's random selection pool during this time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

6.4 Other Testing

Under GBM's own policy authority and not FTA's regulation all safety-sensitive and non-safety sensitive employees may be required to submit to drug testing in conjunction with any required physical examination. Required physical examinations may include but are not limited to worker compensation injuries or any leave of absence of 30 days or more. In addition, employees who are unavailable to perform their safety-sensitive job duties for a period of thirty (30) days or more are subject to a non-DOT drug test under GBM authority.

6.5 Reasonable Suspicion Testing

All safety-sensitive and non-safety sensitive employees may be subject to a fitness-for-duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. Apart from FTA regulations, non-safety sensitive employees are governed under GBM's own policy authority. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous, and articulate observations concerning appearance, behavior, speech, or body odors of the employee consistent with possible drug use or alcohol misuse. An employee is reasonably suspected of prohibited drug use or alcohol misuse when a trained supervisor or other GBM authorized official can:

- Substantiate specific behaviors that may indicate drug use or alcohol misuse.
- Identify job performance problems that may indicate prohibited drug use or alcohol misuse.
- Actually observe physical indications that prohibited drug use or alcohol misuse may be occurring.

A supervisor or other GBM authorized official must make reasonable suspicion referrals. To make reasonable suspicion determinations, supervisors must be trained on the facts, circumstances, physical evidence, physical signs and symptoms, or patterns of performance and/or behaviors associated with drug use and/or alcohol misuse. One supervisor will complete the GBM's "Reasonable Suspicion" form, but two or more trained supervisors

may participate in the reasonable suspicion determination process. A copy of the completed form will be provided to the employee.

6.6 Post-Accident Testing

All safety-sensitive employees will be required to undergo a urine drug test and breath alcohol test if they are involved in an FTA accident with a GBM transit vehicle (regardless of whether or not the vehicle is in revenue service). An FTA accident is defined as an occurrence associated with the operation of a revenue service vehicle that results in a fatality, in injuries requiring immediate treatment at a medical treatment facility; or one or more of the involved vehicles incur disabling damage that requires towing from the site. Safety-sensitive employees that are on duty in the vehicle and any safety-sensitive employee whose performance could have contributed to the accident will be tested. Accident does not necessarily mean collision. If an individual falls on a vehicle and needs to be transported to a hospital, then an accident has occurred and a post-accident test is required unless the driver can be completely discounted as a contributing factor to the accident. This definition only applies to non-fatal accidents. Fatal accidents will result in safety-sensitive employees being tested as outlined below.

Following an FTA accident, the safety-sensitive employee will be required to submit to a drug and alcohol test. Post-Accident testing is stayed while an employee assists in resolution of the accident or receives medical attention following the accident. However, employees must remain readily available during the time periods stated below. Post-accident testing will be done within two hours, and no later than (8) eight hours after the accident for alcohol testing and (32) thirty-two hours after the accident for drug testing. Any testing not conducted within these time limits will be documented to state the reason why. An employee involved in an accident must not use alcohol until after the employee undergoes alcohol testing or eight hours have elapsed, which ever comes first.

Nothing in this policy 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. However, any employee who under the above circumstance fails to remain available for drug and alcohol testing (including notifying GBM of his/her location), or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused the test. 49 CFR Part 40 allows GBM to acquire post-accident test results obtained by Federal, State, or local law enforcement personnel in instances where GBM is unavailable to perform post-accident testing. The results of a blood, urine or breath test for the use of prohibited drugs and alcohol misuse, conducted by Federal, State or local officials having independent authority for the test shall be considered to meet the FTA requirements provided such tests conform to the applicable Federal, State or local testing requirements and that the test results are obtained by GBM.

6.7 Random Testing

In accordance with 49 CFR Part 655, employees in safety-sensitive positions will be subjected to random, unannounced and unpredictable testing. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically-valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and conducted at all times of day when safety-sensitive functions are performed. The FTA determines the testing percentages annually and Metro will test in accordance with FTA requirements. All safety-sensitive employees will be placed in a common selection pool. Each employee in this pool will be matched with a unique random selection number. Through the use of a computer-based random number generation program, the required number of persons will be selected for each testing cycle throughout the year. All employees in the pool will remain in the random selection pool at all times throughout the year regardless of whether or not they have been previously selected. Employees who are not available for testing during the testing period will be removed from the random pool prior to the random selection drawing occurring. GBM's Personnel Director or DER will access the selection pool numbers. Notification will be made to those who must submit a specimen or complete an alcohol breath test. The test may be completed prior to, during or after the employee's work shift. The employee will be immediately escorted to the medical facility for the test. As soon as the urine specimen is collected or breath test is completed the employee will be required to return to work, unless the breath test is not negative. Management will not exercise any discretion in the random process. Upon notification of a selection, the employee must be escorted to an authorized testing facility.

7.0 Employment Assessment

Any safety-sensitive employee, who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation to a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol or drug related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. The employee's insurance provider may coordinate the cost of treatment or rehabilitation services. Employees who do not have health coverage are responsible for the entire cost of any treatment or rehabilitation services.

7.1 Consequences of a Positive Test

Effective October 1, 2007, GBM instituted and will maintain a zero tolerance policy for the following types of tests: Pre-employment, post-accident, random, return-to-work, and reasonable suspicion. A verified positive test for any of these tests will result in an employee's immediate termination of employment with GBM.

8.0 Contacts

Any questions regarding this policy or any other aspect of GBM's substance abuse program should be addressed to the following transit system representatives:

Drug and Alcohol Program Manager and Designated Employer Representative:

Name: Patricia Kiewiz
Title: Transit Director
Address: 901 University Avenue, Green Bay, WI 54302
Telephone Number: (920) 448-3455
FAX Number: (940) 448-3461

Assistant Drug and Alcohol Program Manager and Designated Employer Representative:

Name: Essie Fels
Title: Paratransit Coordinator
Address: 901 University Avenue, Green Bay, WI 54302
Telephone Number: (920) 448-3452
FAX Number: (940) 448-3461

A complete copy of regulation 49 CFR Part 40, as amended, is available for review in the GBM Administration office.

Medical Review Officer:

Name: Eric Newgent, M.D. DO
Title: MRO
Address: Prevea Clinic, 3021 Voyager Dr, Green Bay, WI 54311
Telephone Number: (920) 405-1420
FAX Number: (920) 496-4792

Name: Larry Studt, M.D.
Title: MRO
Address: Prevea Clinic, 703 W. Hamilton Ave, Eau Claire, WI 54701
Telephone Number: (715) 717-4944
FAX Number: (715) 717-1765

Name: Donna Habeck M.D.
Title: MRO
Address: Prevea Clinic, 1621 N. Taylor Dr Ste 200, Sheboygan, WI 53081
Telephone Number: (920) 459-5176
FAX Number: (920) 451-7263

Name: Jasmine John, M.D. MSPH
Title: MRO
Address: Prevea Clinic, 3021 Voyager Dr, Green Bay, WI 54311

Telephone Number: (920) 405-1420
FAX Number: (920) 496-4792

Or successors

Substance Abuse Professionals

A list of SAP's will be provided upon request or circumstance.

9.0 Adoption and Revision History

Approved by the Green Bay Transit Commission on 19 September 2007.
Updated and approved by the Green Bay Transit Commission on 16 June 2010.
Updated and approved by the Green Bay Transit Commission on 20 October 2010.
Updated and approved by the Green Bay Transit Commission on 21 March 2012.
Updated and approved by the Green Bay Transit Commission on 21 August 2013.
Updated and approved by the Green Bay Transit Commission on 20 January 2016.
Updated and approved by the Green Bay Transit Commission on 20 December 2017.
Updated and approved by the Green Bay Transit Commission on 15 May 2019.
Updated and approved by the Green Bay Transit Commission on 25 September 2019.
Updated and approved by the Green Bay Transit Commission on 18 August 2021.

APPENDIX A: SAFETY SENSITIVE POSITION LISTING

GREEN BAY METRO TRANSIT (GBM) Safety-Sensitive Positions

Transportation:

Fixed Route Bus Operator (Full-Time)
Fixed Route Dispatcher (Full-Time)
Fixed Route Dispatcher (Part-Time)
Fixed Route Operations Supervisor (Full-Time)

Paratransit:

Paratransit Bus Operator (Full-Time)
Paratransit Bus Operator (Part-Time)
Paratransit Dispatcher (Full-Time)
Paratransit Dispatcher (Part-Time)
Paratransit Route Supervisor (Full-Time)
Paratransit Scheduler (Part-Time)
Paratransit Scheduler (Full-Time)

Maintenance:

Maintenance Manager (Full-Time)
Mechanics (Full-Time)
Fueller (Full-Time)