

***Voluntary Action Center of DeKalb County
DeKalb Sycamore Area Transportation Study
Transit Employee Drug and Alcohol Testing Program***

Date of Last Revision: March 2008

1.0 POLICY

As the official Public Transportation provider for the DeKalb / Sycamore Area Transportation Study (DSATS), the Voluntary Action Center of DeKalb County (VAC) is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. The DeKalb area is unique in the way public transportation is provided. DSATS, as the Metropolitan Planning Organization (MPO) for the DeKalb Urbanized Area, oversees all transportation planning in the area. The City of DeKalb, who provides the staff support for DSATS, receives the Federal Transit Administration (FTA) and the Illinois Downstate Operating Assistance Program (DOAP) funds available to provide public transit in the area. With these funds, DSATS and the City of DeKalb have chosen the Voluntary Action Center (VAC) to provide the public transportation in this area. Part of the requirements of receiving these funds is to adopt an official Drug and Alcohol Testing Program for all safety sensitive employees involved in providing public transportation in the DeKalb region. DSATS and the City of DeKalb have chosen to adopt the VAC program as the official Drug and Alcohol Testing Program for the DeKalb region. The policies stated herein apply only to the staff of the Voluntary Action Center, who provides the public transportation in this region. Staff of the City of DeKalb, and other DSATS member organizations, are subject to the Drug and Alcohol Policies of their organization's policies and are not affected by this policy.

VAC employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) to create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) to prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2.0 PURPOSE

The purpose of this policy is to ensure 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

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Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandate 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, which 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 offences to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

All provisions set forth in bold face print are consistent with requirements in 49 CFR Part 655, or Part 40, as amended. Provisions in *italics* are set forth in the Drug-Free Workplace Act (49 CFR Part 29). All other provisions are set forth under the authority of VAC.

3.0 APPLICABILITY

This policy applies to all safety-sensitive employees and contractors when they are on VAC property or when performing any transit-related safety-sensitive business. This policy applies to volunteers who are required to hold a CDL to operate vehicles, or if they receive remuneration in excess of their actual expenses incurred in the provision of the volunteer activity. 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 VAC premises and will not be permitted to conduct transit business if found to be in violation of this policy.

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. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment. A list of safety-sensitive positions who perform one or more of the above mentioned duties is attached.

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4.0 PROHIBITED SUBSTANCES

“Prohibited substances” addressed by this policy include the following:

4.1 ILLEGALLY USED CONTROLLED SUBSTANCES or DRUGS

*The use of 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, 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. **Safety-sensitive employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section 6.0 of this policy.***

4.2 LEGAL DRUGS

The appropriate use of legally prescribed drugs and non-prescription (over the counter) medications is not prohibited. However, the use of any substances which carries a warning label that indicates that mental functioning, motor skills, or judgement may be adversely affected must be reported to supervisory personnel. It is the responsibility of the employee to ask about side effects of these medications and potential impact on ability to perform duties, to monitor their reaction to these medications, and to request leave if impaired. Medical advice and written authorization from the attending physician must be sought by the employee, as appropriate, before performing work related duties.

A legally prescribed drug means that 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 transit business is prohibited and will result in immediate dismissal.

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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 alcohol per 210 liters of breath as measured by an evidential breath testing device.

5.0 PROHIBITED CONDUCT

5.1 MANUFACTURE, TRAFFICKING, POSSESSION, and USE

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

5.2 INTOXICATION/UNDER THE INFLUENCE

Any 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 immediately dismissed. **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.**

5.3 ALCOHOL and DRUG USE

No 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 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 employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call.

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All safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Violation of these provisions is prohibited and punishable by immediate dismissal.

5.4 COMPLIANCE WITH TESTING REQUIREMENTS

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and immediately dismissed. 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 falsifying test results will result in the employee's removal from duty and immediate dismissal.

The following are also considered a refusal to test if the employee:

- Fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.
- Fails to remain at the testing site until the testing process is complete.
- Fails to provide a urine or breath specimen for any drug test required by this part or DOT agency regulations.

In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen.

- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Fails or declines to take a second test the employer or collector has directed you to take .
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures.
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
- If the MRO reports that there is verified adulterated or substituted test results.

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Drug tests can be performed any time a safety sensitive employee is on duty. An alcohol test can be performed when the safety sensitive employee is actually performing a safety sensitive duty, just before, or just after the performance of a safety sensitive duty.

5.5 TREATMENT REQUIREMENTS

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. 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 VAC 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 will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

5.6 NOTIFYING THE VAC OF CRIMINAL DRUG CONVICTION

All employees are required to notify the VAC 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 immediate dismissal.

5.7 PROPER APPLICATION OF THE POLICY

VAC 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 immediate dismissal.

6.0 TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstance warrant or as required by Federal regulations. **All safety-sensitive employees shall be subject to drug testing prior to their first performance of safety-sensitive functions, for reasonable suspicion, random, follow-up and following an accident as defined in Section**

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6.2, 6.3, and 6.4 of this policy. All safety sensitive employees shall be subject to alcohol testing for reasonable suspicion and following an accident as defined in Section 6.2, 6.3, and 6.4. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year.

Those employees who perform safety-sensitive functions as defined in the Attachment 1 to this policy shall also be subject to testing on a random, unannounced basis.

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 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 results.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens 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 Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, appear to be substitute, or adulterated, 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. Attachment 3 lists the minimum thresholds established for each drug and/or its metabolites. The test results from the 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 positive, substitute, or adulterated laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive, substitute, or adulterated

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laboratory result. If no legitimate medical explanation is found, the test will be verified positive, substitute, or adulterated and reported to the company program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

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 sample will be discarded.

If the primary specimen is positive, the split specimen will be retained for testing if so requested by the employee through the Medical Review Officer.

In instances where a specimen is determined to be dilute negative, a re-test will be required by VAC for all tests except for post accident tests where a re-test will not be required. In instances where there is a reason to believe an employee is under the influence of a substance other than the five drugs listed above, VAC reserves the right to test for additional drugs under VAC's own authority using standard laboratory testing protocols.

Observed Collections:

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:

- (1) The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to VAC that there was not an adequate medical explanation for the result; or
- (2) The MRO reports to VAC that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
 - (a) VAC may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow up test.
 - (b) The collector must immediately conduct a collection under direct observation if:

They are directed by VAC to do so; or

(3) The collector observes materials brought to the collection site, or the employee's conduct clearly indicates an attempt to tamper with a specimen; or

(4) The temperature on the original specimen was out of range; or

(5) The original specimen appeared to have been tampered with.

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Tests 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 to confirm the results of the initial test.

The confirmatory test will be performed using a NHTSA approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (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.

A 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 safety sensitive employee will be removed from duty for a period of at least 24 hours including the eight hours required by this policy, referred to a Substance Abuse Professional (SAP) for at least one counseling session, and will be permitted to return to his/her safety sensitive position upon recommendation of the SAP. VAC personnel policies will apply during the suspension.

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 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 and/or alcohol test will also result in immediate dismissal.

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6.1 EMPLOYEE REQUESTED TESTING

Any safety-sensitive employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. 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. The split sample test will occur regardless of up-front payment, but VAC reserves the right to seek reimbursement from the employee.

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.

6.2 PRE-EMPLOYMENT TESTING

All safety-sensitive position applicants shall undergo urine drug testing prior to the first performance assignment of safety-sensitive functions. Receipt by VAC of a verified negative drug test result is required prior to the first performance assignment of safety sensitive functions. If an applicant drug test is canceled, the applicant must retake and pass the test before being hired.

Failure of a pre-employment drug test will disqualify an applicant for employment for a period of one year (365 days). Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of VAC and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual.

In addition, FTA requires all safety sensitive employees who have been off duty for 90 or more days for any reason are required to successfully pass a pre-employment drug test prior to the performance of a safety-sensitive function.

A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position (i.e., return from Worker's Comp., return from leave of absence).

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6.3 REASONABLE SUSPICION TESTING

All 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.

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:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
3. Occurrence of a serious or “potentially” serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Under VAC’s independent authority, if reasonable suspicion exists that requires a covered employee to undergo a test, the employee will be immediately removed from performing any safety sensitive functions with pay and will not be allowed to perform any safety sensitive functions until VAC receives a negative drug test result. If the employee receives a verified positive drug test result, the employee will be subject to the disciplinary action in this policy.

If reasonable suspicion exists that requires a covered employee to undergo a test, VAC will provide transportation to and from the testing site as well as transportation from the testing site to home or a medical facility. The employee may make arrangements with a third party for this transportation as well. VAC will contact the local police if the employee chooses to drive their own or any vehicle after being notified to report for a reasonable suspicion test.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonable concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

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6.4 POST-ACCIDENT TESTING

All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with a VAC vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive employees that are operating the vehicle and any other whose performance could have contributed to the accident. Also, a post accident test will be conducted if a vehicle (including non-transit vehicle) incurs disabling damage as a result of the occurrence and a vehicle is transported away from the scene by a tow truck or other vehicle. In addition, a post accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility. The accident definition may include some incidents where an individual is injured even though there is no vehicle collision unless the operator can be completely discounted as a contributing factor to the accident.

Following an accident, the safety-sensitive employees will be tested as soon as possible, but not to exceed eight hours of the accident for alcohol testing and within 32 hours for drug testing. Any 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 employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered as having refused the test and will be immediately discharged. Employees tested under this provision will include not only the operations personnel, but any other covered employee whose performance could have contributed to the accident.

If VAC is unable to perform a FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), VAC may use drug and alcohol post-accident test results administered by State and local law enforcement officials. The State and local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with state and local law.

6.5 RANDOM TESTING

Employees in safety-sensitive positions will be subjected to random, unannounced testing. The selection of safety-sensitive employees for random drug and alcohol testing will be

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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 spread throughout the year. VAC will have no influence or control over the selection of employees for testing. Tests can be conducted at any time during an employee's shift (i.e. beginning, middle, end). Employees are required to proceed immediately to the collection site upon notification of their random selection.

Random testing rates used by VAC are set by the FTA each year and are published in the Federal Register as per Part 655.45(b).

6.6 RETURN-TO-DUTY TESTING

All safety-sensitive employees who tested positive on a drug or alcohol test will be immediately discharged. However, in the event an employee returns to duty, he/she must test negative on both a return-to-duty test and a drug and alcohol test (below 0.02 for alcohol) and be evaluated and released to duty by a Substance Abuse Professional before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse.

The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been completed.

6.7 FOLLOW-UP TESTING

Safety-sensitive employees will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. 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 minimum, will be determined by a qualified Substance Abuse Professional.

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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 by 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 and drug-related disorders.

Assessment by a SAP or participation in the VAC's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with VAC.. VAC's Disciplinary Policies and Procedures should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

If a safety-sensitive employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by the SAP, 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 will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

8.0 INFORMATION DISCLOSURE

To be considered for employment, all applicants will be asked to give consent to VAC for a background check of their previous DOT covered employer over the past two years.

Information requested will include:

1. Alcohol test results of 0.04 or higher alcohol concentration.
2. Verified positive drug tests.
3. Refusals to be tested (including verified adulterated or substituted drug test results).
4. Other violations of DOT agency drug and alcohol testing regulations.
5. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT Return-to-duty

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requirements (including follow-up tests).

All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Information will only be released in the following circumstances:

1. To a third party only as directed by specific, written instruction of the employee.
2. To the decision maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested.
3. To a subsequent employer upon receipt of a written request from the employee.
4. To the National Transportation Safety Board during an accident investigation.
5. To the DOT or any DOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed-guideway systems.
6. To the employee, upon written request.
7. Records will be released if requested by a Federal, state, or local safety agency with regulatory authority over VAC or the employee.
8. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of 49 CFR Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.

9.0 EMPLOYEE AND SUPERVISOR TRAINING

All safety-sensitive 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 must also include manifestations and behavioral cues that may indicate prohibited drug use.

Supervisors will also 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.

Information on the signs, symptoms, health affects and consequences of alcohol misuse is

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presented in Attachment 2 of this policy.

10.0 RE-ENTRY CONTRACTS

Employees who re-enter the workforce must agree to a re-entry contract. That contract may include (but is not limited to):

1. A release-to-work-statement from the Substance Abuse Professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. A statement of work-related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

11.0 SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following VAC representative:

Drug and Alcohol Program Manager & Designated Employer Representative:

Name:	Tom Zucker
Title:	Executive Director
Address:	Voluntary Action Center 1606 Bethany Rd. Sycamore, IL 60178
Telephone Number:	(815)758-3932
FAX Number:	(815)758-0202

Name:	Debbie Salisbury
Title:	Director of Training
Address:	Voluntary Action Center 1606 Bethany Rd. Sycamore, IL 60178

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Telephone Number: (815) 758-3932
FAX Number: (815) 758-0202

Medical Review Officer:

Name: Dr. Patrick Gannon
Address: Kishwaukee Corporate Health
3251 Commerce Dr.
DeKalb, IL 60115
Telephone Number: (815) 754-4882
FAX Number: (815) 754-4269

Substance Abuse Professional:

Name: Kim Volk
Address: 9 Health Services Dr.
DeKalb, IL 60115
Telephone Number: (815) 748-8999
FAX Number: (815) 748-8921

DHHS Certified Laboratory:

Name: LabOne, Inc. d/b/a Quest Diagnostics
Address: 10101 Renner Blvd.
Lenexa, KS 66219
Telephone Number: (800) 873-8845
(913) 888-3927

This Policy was adopted by the Voluntary Action Center Board of Directors on:
DATE: December 5, 2007

This Policy was adopted by the DeKalb Sycamore Area Transportation Study Policy Committee on:
Date: April 23, 2008

***Voluntary Action Center of DeKalb County
DeKalb Sycamore Area Transportation Study
Transit Employee Drug and Alcohol Testing Program***
Date of Last Revision: March 2008

Signed by:

Tom Zucker
Executive Director
Voluntary Action Center

Date

Frank Van Buer
DSATS Chair
Mayor - City of DeKalb

Date

Attachment 1

**Voluntary Action Center
Safety Sensitive Functions**

Director of Training and Development
Supervisors (If performs driver, or mechanic functions).
Dispatchers (If performs driver functions).
Vehicle Operators (bus drivers) Full Time and Part Time
Mechanics
Bus Washers