



PROFESSIONAL TRANSIT MANAGEMENT OF WAUKESHA, INC. (PTMW)

ZERO TOLERANCE DRUG AND ALCOHOL POLICY FOR EMPLOYEES IN SAFETY-SENSITIVE JOB FUNCTIONS

Summary: This is a zero tolerance policy covering this transit system and is applicable to all PTMW employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions. This program was initially installed by this corporation January 1, 1995.

The Drug and Alcohol Program Manager/Designated Employer Representative for this location is Donald G Jans, Compliance Specialist:

Date this revision of the PTMW Drug and Alcohol Policy was installed at this location: May 11, 2023

Revision # 1: January 2007
Revision # 2: June 2007
Revision # 3: September 2008
Revision # 4: May 2010
Revision # 5: March 2012
Revision # 6: September 2014
Revision # 7: April 2015
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I. INTRODUCTION

PTMW is dedicated to providing safe, dependable transportation services to our passengers. We are also dedicated to providing a safe, drug and alcohol-free workplace for our employees.

Drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT) in 49 CFR Part 40, and Part 655, as amended.

This program became effective on January 1, 1995.

II. POLICY ADOPTION

The PTMW Board of Directors has adopted this policy.

Note: Additional requirements and/or disciplinary actions established under PTMW's own authority are entered in *ITALICS*.

Brian Engelking, Transit Manager

Date

III. EMPLOYEE CATEGORIES SUBJECT TO TESTING

Employees subject to the provisions of the anti-drug and alcohol misuse prevention program are all safety-sensitive classifications. Safety sensitive function means any of the following duties, when performed by employees of PTMW or its contractors or sub-contractors:

1. Operating a revenue service vehicle, including when not in service;
2. Operating a non-revenue service vehicle, when required to be operated by a CDL holder;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes.
6. Volunteers: this location **Does Not** use volunteer services

A list of the job titles specifically considered to be safety sensitive is contained in Appendix A.

Supervisors are subject to the provisions **only** if they perform or may be called upon to perform a safety-sensitive function.

Participation in the drug and alcohol testing program and submission to drug and alcohol testing administered in accordance with part 655 is a requirement of each safety sensitive employee, and therefore, is a condition of employment.

IV. PROHIBITED BEHAVIOR

The DOT prohibited drugs – marijuana, cocaine, opioids, amphetamines / methamphetamines (including MDMA (Ecstasy)), and PCP - are always illegal and employees are prohibited from consuming any of them at any time.

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

1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone, and (4) Oxymorphone.
2. Common brand names for these semi-synthetic opioids include, but may not be limited to: OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

In addition, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is prohibited at any time. Use of prescription drugs which may impair job performance or mental or motor function by an employee or any other person to whom this Policy applies while on company premises or in the course of conducting company business, including while subject to being on-call in a paid status, at lunch or on breaks, is strictly prohibited. Employees covered by this policy can be tested for prohibited drugs anytime while on duty.

Safety sensitive employees may not use alcohol from any source while on duty, within four (4) hours prior to performing safety-sensitive duty, while subject to being on-call in a paid status, or within eight (8) hours following an accident requiring an alcohol test, unless the test was completed within eight hours. *The possession or use of alcohol on company premises or while in the course of conducting company business is strictly prohibited.*

PTMW. strongly encourages employees to abstain from alcohol consumption for at least 8 hours prior to performing safety sensitive duties.

Alcohol tests may only be conducted just before, during, or just after an employee’s performance of a safety-sensitive function. Covered employees are prohibited from performing or continuing to perform a safety-sensitive function while having an alcohol concentration of 0.04 or greater.

V. NOTICE OF CONVICTIONS

It is the policy of PTMW that employees notify the company within 5 days of any criminal drug statute conviction for a felony or misdemeanor violation occurring in the workplace. Within 30 days, PTMW will make a determination of action based upon the incident. Employees convicted of drug offenses will be subject to discipline up to and including termination.

VI. EMPLOYEE SELF-REFERRAL INTO A SUBSTANCE ABUSE TREATMENT PROGRAM

It is PTMW's policy that a safety sensitive employee may refer himself or herself, prior to being notified of or otherwise subject to an upcoming substance abuse test, into a substance abuse program, by reporting his or her substance abuse problem to the Employee Assistance Program (EAP), Substance Abuse Counselor, their immediate supervisor, or department manager. The Substance Abuse Program Administrator will make a referral to a substance abuse counselor and place the employee on unpaid Administrative Suspension. Once notice has been received from the substance abuse counselor that the employee is ready to return to duty and has been compliant with the prescribed treatment plan, the employee will be required to take a Non-DOT Return to Duty test and be subject to Non-DOT Follow-Up testing as directed by the substance abuse counselor.

In the instance of a self-referral, the employee will be subject to non-USDOT return-to-duty and follow-up testing modeled using the process described in 49 CFR Part 40. However, all non-USDOT return-to-duty and non-USDOT follow-up tests and all paperwork associated does not constitute a violation of the Federal regulations and will be conducted under the sole authority of PTMW on non-USDOT testing forms.

VII. CIRCUMSTANCES FOR TESTING

Any testing in addition to the FTA-required test(s) will be conducted under Company authority using non-Federal forms. The non-DOT test will be secondary and will require a urine void or breath sample that is totally separate from the FTA test. Policy mandates that employees selected for drug and /or alcohol testing be provided a notification form which documents the referral to testing. The form should specify the type of test required, the date and time the employee was notified, time the employee arrived at the collection site and authority mandating the test. The completed form should be returned to PTMW upon completion of the test, and filed for reference. (Formatted notification forms can be found in the PTMW Policies and Procedures Manual.

DOT tests must be completely separate from Non-DOT tests in all respects.

A. Pre-Employment

Following a conditional offer of employment, applicants for all safety-sensitive positions will undergo urine drug testing as a condition of employment. Applicants will be notified of the testing requirement during the application process.

A verified negative drug test result is required prior to performing any safety-sensitive functions and is a condition of employment. If the test is cancelled, the applicant must re-take the test and receive a verified negative test result prior to performing any safety-sensitive function. In the event that a pre-employment test is determined by the MRO to be a verified “negative dilute” result, the applicant is required by PTMW to re-test, and receive (the equivalent of) a verified negative test result before performing any safety sensitive function. Depending on the level of creatinine reported by the lab, the MRO may order a re-test to be conducted under direct observation. The results of the second test will be considered the test result of record. Contact the corporate Drug and Alcohol Program Manager if there are questions.

Applicants will be asked whether he/she has ever been refused employment because of a positive DOT pre-employment drug or alcohol test. Applicants will be required to provide the name and complete contact information for all DOT covered employers for the previous two years. Applicants are required to provide a consent statement permitting the previous DOT covered employers to release drug and alcohol test results to PTMW. Applicants who have previously failed a drug or alcohol test will not be considered for employment until he/she provides proof of having successfully completed a referral, evaluation and treatment plan as described in 49 CFR Part 655.62, subpart G.

Current employees transferring into safety-sensitive positions will not be allowed to perform safety sensitive duties until the employee undergoes a pre-employment drug test with a verified negative result. Additionally, any current employee returning to a safety sensitive position after not performing said safety-sensitive functions for a period of 90 days or more, regardless of the reason, and who has been out of the random pool during this time, must undergo a pre-employment drug test with a verified negative result before performing safety sensitive duties.

B. Reasonable Suspicion

A safety-sensitive employee shall be required to submit to a FTA reasonable suspicion drug and/or alcohol test when a supervisor or company official suspects the employee has used a prohibited drug or misused alcohol. The

testing referral will be made by a trained supervisor or company official based upon specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odor of the employee. A reasonable suspicion test for drugs can be conducted anytime a covered employee is on duty. A reasonable suspicion alcohol test is authorized only if observations are made during, just preceding, or just after the performance of safety-sensitive functions.

It is PTMW's policy that in any Reasonable Suspicion circumstance, the supervisor will transport the employee to an appropriate collection site facility and await the completion of the collection procedure. The Supervisor will then transport the employee back to PTMW premises, where a spouse, family member, or other individual will be contacted to transport the employee to his/her home. In the event no such individual is available, PTMW will transport the employee to his/her home. If the employee refuses to agree to be transported and attempts to operate his/her own vehicle, PTMW will make appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee, failing to cooperate with the procedures described above, will be subject to disciplinary action up to and including termination of employment.

It is the policy of PTMW that any employee required to submit to a reasonable suspicion test may not perform safety sensitive duties pending the outcome of the drug and/or alcohol test. The employee will be placed on an Administrative Suspension pending the results of the drug tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by PTMW once the results of the Substance Abuse Test are reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination.

If the employee tests negative, he or she may return to work in their position and will be reimbursed for any regularly assigned work lost.

C. Post-Accident (FTA)

All safety-sensitive employees will be required to undergo FTA post-accident drug and alcohol tests if they are involved in an accident with a Public Transportation 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 operated the vehicle and any other whose performance could have contributed to the accident.

In addition, if the public transportation vehicle is a bus, electric bus, van or automobile (in the capacity of a Commercial Motor Vehicle) the driver (whether employee or contractor) will be required to undergo FTA post-accident drug and alcohol tests if an accident results in bodily injury and an individual immediately receives medical treatment away from the scene of the accident, or one or more

of the vehicles involved incur disabling damage and had to be towed away. In a non-fatality situation, testing may be waived if the operator can be completely discounted as a contributing factor to the accident, based upon the information available at the time of the decision. All other covered employees whose performance could have contributed to the accident will also be required to undergo FTA post-accident drug and alcohol tests.

The following paragraph of the policy covers crashes/events involving vehicles that are not classified as a FTA/Commercial Motor Vehicle event; thus testing is conducted under PTMW's authority)

If the vehicle is a van or automobile (not in the capacity of a Passenger Carrying Vehicle-not transporting passengers in revenue service) the driver (whether employee or contractor) will be required to undergo a Non-DOT post-accident drug and alcohol tests if an accident results in injuries requiring immediate transportation to a medical treatment facility, or one or more of the vehicles involved incur disabling damage and had to be towed away. In a non-fatality situation, testing may be waived if the operator can be completely discounted as a contributing factor to the accident, based upon the information available at the time of the decision. All other covered employees whose performance could have contributed to the accident will also be required to undergo a Non-DOT post-accident drug and alcohol tests.

Post-accident alcohol tests will be conducted as soon as possible following the accident. If the post-accident alcohol test is not completed within two hours of the accident, the company will file a report as to the reason why. If the post-accident alcohol test is not completed within eight hours of the accident, the company will cease attempts to obtain a specimen and update the two-hour report as to why. Post-accident drug tests will be conducted as soon as possible, but no longer than 32 hours following the accident. If the company is unable to conduct the drug test within 32 hours, it will document the reason for the inability to test.

If PTMW is unable to perform post-accident tests within the required period of compliance, PTMW will use the test results administered by Federal, State or local law enforcement personnel under its own authority, provided the results are obtained by PTMW in conformance with the law.

Any covered employee subject to post-accident testing who fails to remain readily available for such testing, including notifying the company of his or her location if he or she leaves the scene of the accident prior to submission to such test, will be deemed by the company to have refused to submit to the post-accident testing.

Accident testing is stayed while the employee assists in resolution of the accident or receives medical attention following the accident.

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 an accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test.

It is PTMW's policy that an employee may be placed on an Administrative Suspension at the discretion of the Company pending the results of post-accident drug tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by PTMW once the results of the Substance Abuse Test are reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination.

D. Random

Employees in safety sensitive positions will be subjected to random, unannounced and unpredictable testing for drugs and alcohol. PTMW's will select employees for random drug and alcohol tests that will meet the minimum requirements in accordance to the current FTA regulation. 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 has an equal chance of selection each time selections are made. Management does not have any discretion as to who will be selected. The random tests will be unannounced and spread throughout the year, all days of the week, and all hours when safety sensitive functions are performed. Random drug tests may occur at any time the employee is on duty. Random alcohol tests may only occur just before, during, or just after the employee performs safety-sensitive work. Employees are required to proceed immediately to the collection site upon notification of their random selection.

Random Testing – End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately following an employee's shift, must be provided at least 72 hours before the end of the shift.

E. Return to Duty and Follow-Up Testing

In general, PTMW has a “zero tolerance” policy. However, in the event that an employee who has previously violated the policy is allowed to return to work for any reason, he or she will be required to complete the return-to-duty process. This includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP, and obtaining a verified negative return-to-duty drug test and/or alcohol test under 0.02.

In addition, upon return to work, the employee will be subject to follow-up testing for drugs and/or alcohol for a minimum period of 12 months to a maximum of five years. The minimum number of tests during the first 12 months is six. Although they are both unannounced, follow-up testing is apart and separate from random testing. The duration and frequency of testing will be designated by the SAP, but the actual follow-up testing dates will be decided by the employee’s manager or supervisor. Effective August 25, 2008: Follow-up and Return-to-Duty drug tests must be conducted using direct observation procedures. (Authority: Final Ruling United States Court of Appeals *FOR THE DISTRICT OF COLUMBIA CIRCUIT* Argued March 26, 2009 Decided May 15, 2009, No. 08-1264)

Under PTMW authority, the requirements for return-to-duty and follow-up testing will apply to any employee who completes a self-referred substance abuse program. (Return to Duty and Follow Up testing conducted under PTMW authority will be conducted using a non-DOT chain of custody form Contact your Corporate Drug and Alcohol Program Manager if there are questions.)

F. Post Industrial Accident/Employee Injury (PTMW Policy)

In addition to the FTA post-accident testing requirements, local operating policy may require post-accident drug and alcohol tests under the following circumstances:

Work-Related Injury/Illness

A post-injury Non-DOT drug and alcohol test is required following any work-related injury requiring medical treatment by a medical provider. In addition, any employee who is responsible for causing (or contributing to the cause of) an occupational accident resulting in a work-related injury/illness to another employee must submit to a Non-Dot drug and alcohol test.

Employees subject to company-required post-industrial accident / injury testing must remain readily available for such testing or may be deemed to have refused to undergo testing.

An employee may be placed on an administrative suspension at the discretion of the Company pending the results of Non-DOT post-accident/injury drug and alcohol tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by PTMW once the results of the Substance

Abuse Test are reported. Employees, who cannot be easily contacted, within a reasonable time period, will be considered to have abandoned their job and are subject to termination.

This location does not conduct post-industrial accident / injury testing.

VIII. BEHAVIOR THAT CONSTITUTES A TEST REFUSAL

Behavior that constitutes a test refusal includes the following:

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

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

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

A refusal to test constitutes a violation of this policy and carries the same consequences as a positive test result. Any employee who refuses to submit to any drug or alcohol test will be removed from safety sensitive work, provided educational materials, and referred to a substance abuse professional. *It is PTMW's policy that refusal to submit to any drug or alcohol test will also result in termination of employment.*

Under the authority of Waukesha Metro Transit and Professional Transit Management of Waukesha, Inc., failure to report for your scheduled pre-employment test, failure to remain at the site prior to commencement of the pre-employment test, or aborting collection before the pre-employment test commences will result in the termination of the application process for employment and your offer of employment will be permanently withdrawn.

IX. TESTING PROCEDURES

All drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended, which ensures the protection of the employee and the integrity of the testing process. A copy of this document is available for your review from either the corporate or the local Drug and Alcohol Program Administrator upon request. Following is a brief description of the drug and alcohol testing methodology.

A. Drug Testing Methodology

Testing for drugs will be conducted by urinalysis.

1. Initial Test: Initial testing will be performed on the primary sample using the EMIT Immunoassay technique. If the results are negative, no further testing will be required and a report will be provided to the Medical Review Officer (MRO). The MRO is responsible for evaluating, interpreting, and verifying laboratory test results and communicating them to PTMW.
2. Confirmation Test: Will be conducted in accordance with part 40 as amended.

Specimen Dilutes: A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. If the test is reported as a **dilute positive**, the test should be treated as a verified positive test result. If the test is reported as a **negative dilute**, PTMW will direct the employee to take another test. The retest must not be conducted under direct observation, unless otherwise instructed by the MRO. The second test will be considered the test of record. All employees must be treated the same for this purpose and must be informed in advance of the policy. Questions should be directed to the MRO, Drug and Alcohol TPA or the Corporate Drug and Alcohol Program Manager.

Validity Testing: The laboratory will conduct validity testing to determine if the specimen has been adulterated, tampered with, or diluted. If the MRO reports a “negative-dilute” test result with creatinine levels greater than or equal to 2mg/dL but equal to or less than 5 mg/dL, the employee will be required to take a second test immediately under direct observation with no advance notice. If the MRO reports a “negative-dilute” test result with creatinine levels greater than 5 mg/dL, the employee will be required to take a second test immediately (not observed) with no advance notice.

Drug Testing Split Specimen: The urine specimen collected for FTA testing will be split and poured into two specimen bottles. This provides the employee or applicant with the option of having an analysis of the split sample performed at a second laboratory that meets the requirements of 49 CFR Part 40. The employee or applicant has 72 hours after being informed by the MRO of a verified positive, adulterated, or substituted test result to request a test of the split sample. In the case of invalid test results, no split specimen testing is authorized by DOT. All requests for split specimen analysis will be processed by the MRO.

It is PTMW's policy that employees awaiting the result of a split specimen test following a verified positive, adulterated, or substituted test result may not perform safety sensitive duties pending the outcome of the split specimen test. The employee will be placed on an Administrative Suspension pending the result of the split specimen test. Employees placed on an Administrative Suspension must be in a position to be easily contacted by PTMW once the result of the split specimen test is reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination. PTMW will seek payment or reimbursement for the cost of the split specimen from the employee, should the employee request testing of the split sample.

B. Alcohol Testing Methodology

Testing for alcohol will be conducted by breath analysis. Alcohol tests will be performed by a breath alcohol technician (BAT) who is trained to proficiency in the operation of the Evidential Breath Testing device being used and in the alcohol testing procedures specified in the Federal regulations.

1. Initial Test: If the result of the initial test is an alcohol concentration of less than 0.02, no further testing is required and the test will be reported to PTMW as a negative test.
2. Confirmation Test: If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The confirmation test will be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading. The employee is strongly advised not to eat, drink, belch, or put any object or substance into his or her mouth while awaiting the confirmation test.
3. The confirmation test is deemed to be the final result.
4. The alcohol breath sample is to be taken BEFORE the drug specimen is collected, in such cases that warrant both a drug collection and a breath alcohol sample.

C. ATTRIBUTING TEST RESULTS TO THE CORRECT COVERED EMPLOYEE (DRUG AND ALCOHOL COLLECTIONS AND TESTING)

Procedures that ensure that the test results are attributed to the correct covered employee include utilizing a chain of custody to ensure that each specimen is monitored throughout the collection process during both drug and alcohol collection and testing procedures.

X. CONSEQUENCES OF DRUG USE AND THE MISUSE OF ALCOHOL

Any covered employee who has a verified positive drug test, an alcohol test result of 0.04 or above, or has refused to submit to a drug or alcohol test will be immediately removed from his or her safety sensitive position, provided educational materials, and referred to at least two Substance Abuse Professionals (SAP). *It is PTMW's policy that positive drug or alcohol tests or refusal to test will also result in termination of employment.*

Any safety sensitive employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, a safety-sensitive function for at least 8 hours following administration of the breath alcohol test, or if the employee was re-tested, the result was less than 0.02.

It is PTMW's policy that a *SECOND OFFENSE WITHIN FIVE (5) YEARS OF FIRST OFFENSE* of a test of any safety sensitive employee found to have an alcohol concentration of 0.02 or greater but less than 0.04:

Termination.

Is PTMW's policy that testing positive for alcohol on a return-to-duty breath alcohol test will result in termination of employment.

A. LIFE CONSEQUENCES OF ALCOHOL MISUSE

The chronic consumption of alcohol (average of three servings per day of beer, whiskey, or wine) over time may result in the following life consequences:

Health: *decreased sexual functioning, dependency on alcohol, fatal liver disease, increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma, kidney disease, pancreatic dysfunctions, spontaneous abortion and neonatal mortality, ulcers, and birth defects.*

Work: *the effects of alcohol misuse on an individual's work include impairment in coordination and judgment, and increased likelihood of having an accident than that of a sober person.*

Personal Life: *the effects of alcohol misuse on an individual's personal life include increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide, and greater exposure to other forms of accidents.*

Signs and Symptoms: *dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or drowsy condition, slowed reaction rate, and slurred speech.*

When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/employee assistance service offered by Substance Abuse Counselors that address family problems as well as substance abuse.

B. EMPLOYEE EDUCATION, TRAINING AND ASSISTANCE PROGRAM

SUPERVISOR TRAINING

Any supervisory personnel responsible for determining whether an employee must be tested for substance abuse based on Reasonable Cause/Suspicion will be required to complete at least one (1) session (2 hours) of training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug/alcohol use. One 60-minute session will be devoted to indicators of probable alcohol misuse and one 60-minute session will be devoted to indicators of probable drug use.

Positions to receive training under this plan are: All Managers, Supervisors, First Line Dispatchers and Foremen. Training will be provided by qualified personnel or processes designated by PTMW North America, Inc.

EMPLOYEE EDUCATION

PTMW will provide an education program for its employees, which will include the following:

- Display and distribution of informational material on substance abuse;
- Display and distribution of a community service hot-line telephone number for employee assistance; and
- Display and distribution of PTMW's Substance Abuse Plan regarding the use of prohibited drugs and/or alcohol.
- Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
- Periodic updates and refresher training concerning substance abuse, life consequences and policy adherence.

XI. PRESCRIPTION AND OVER THE COUNTER MEDICATIONS

MRO VERIFICATION OF PRESCRIPTIONS

When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk.

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

It is PTMW's policy that all safety sensitive employees must notify the Company in writing when they are taking prescription or non-prescription medication that may interfere with their ability to perform work safely. Failure to do so will result in disciplinary action up to and including termination of employment.

There is only one approved method of notification. Employees must use the Prescription / Non-Prescription notification form to inform the company of any medications used; as defined by Prescription and Over-The-Counter sections below.

Employees are required to obtain a Prescription / Non-Prescription Medication Notification Form, signed by a licensed Physician, licensed Physician Assistant, licensed Pharmacist, or licensed Registered Nurse, for each prescription medication taken by the employee. This form must indicate if the medication(s) will impair the employee's ability to safely perform safety sensitive function and/or operate a motor vehicle. The employee will provide the form to the physician or prescribing individual. The employee is required to advise the physician or prescribing individual of the safety-sensitive nature of his or her job. The employee is also encouraged to ask for alternative treatments that do not have performance altering side effects.

PTMW's Drug and Alcohol policy in no way implies that taking approved prescription or non-prescription medication will completely eliminate side effects even if determined to be safe by his/her treating physician. It is the employee's responsibility to fully discuss any and medications with his/her treating physician to reduce possible medication side effect(s).

Employees must submit the Prescription / Non-Prescription Medication Notification Form to the Substance Abuse Program Administrator prior to the beginning of his or her shift, if the Substance Abuse Program Administrator is not available, forms must be turned in to the appropriate Department Manager, Supervisor, or Foreman on duty.

Over-the-Counter Medications should be taken with extreme caution.

- *Read all the warning labels before selecting a medication for use while performing safety sensitive functions.*
- *If the label has warnings such as "do not take this medication while operating a motor vehicle, may cause drowsiness, etc." select another medication.*
- *If unsure which medication is safe to take while performing your job, ask your pharmacist. If still unsure, contact your physician for a suitable alternative.*
 - *If no suitable alternative is available, have your Physician complete a Prescription / Non-Prescription Medication Notification Form and submit the form to the Substance Abuse Program Manager, supervisor or manager. This form must indicate if the medication(s)*

will impair the employee's ability to safely perform safety sensitive function and/or operate a motor vehicle.

- *Ultimately, you are responsible for ensuring your safety and the safety of your co-workers and customers. Taking medication while performing your duties can impair your ability to meet this obligation.*

Falsification of the Prescription / Non-Prescription Medication Notification Form in any way is cause for immediate termination.

During normal business hours a determination can usually be made immediately as to whether an employee will be allowed to work. If an immediate determination cannot be made, a Medical Review Officer (MRO) will be notified and will make a determination as to an employee's ability to safely work.

Employees will not be allowed to clock in until the Substance Abuse Program Administrator or the MRO has made a determination. All normal rules and regulations applying to Miss Outs, No Call No Shows, and Unauthorized Absences shall apply. Employees shall be allowed to use available PTO, EPTO, and vacation until they are cleared to return to work. All normal rules and regulations regarding the scheduling of PTO, EPTO, and vacation may apply.

XII. RECORD KEEPING

DRUGS & ALCOHOL

Records will be maintained as detailed in 49 CFR part 40 and Part 655, as revised.

A. RECORDS MAINTAINED FOR ONE (1) YEAR:

1. Records of Verified Negative and canceled Drug Test Results:
2. Alcohol test results with a concentration of less than 0.02
3. PTMW's copy of custody and control form.

B. RECORDS MAINTAINED FOR TWO (2) YEARS:

1. Records Related to the Collection Process:
2. Education and Training Records:

C. RECORDS MAINTAINED FOR THREE (3) YEARS

Information from previous employers concerning drug and alcohol test results

D. RECORDS MAINTAINED FOR FIVE (5) YEARS:

1. Records of covered employee alcohol test results indicating an alcohol concentration of 0.02 or greater
2. Records of covered employee positive controlled substances test results
3. Documentation of refusals to take required alcohol and/or controlled substances tests
4. Records related to the administration of the alcohol and controlled substances testing programs
5. Covered Employee Referrals to Substance Abuse Professional for Return To Duty and Follow Up:
6. Annual MIS Reports.

E. REQUIREMENTS FOR RECORDS AND SPECIMEN STORAGE BY LAB, MRO, AND PTMW.

Records are maintained for program administration and test results of individuals for whom PTMW has testing responsibility. Upon completion of the collection process, the specimen is to be placed in secure storage until dispatched to the laboratory. The MRO is to maintain all necessary records and send test result reports to PTMW Substance Abuse Program Administrator (DER), who maintains records in a secure location with controlled access. All negative test results will be maintained for a period of no less than one year. All positive test results will be maintained for a period of no less than five years.

XII. IDENTITY OF CONTACT PERSONS

A. Corporate Drug and Alcohol Program Manager

Esther Avalos
Corporate Drug and Alcohol Program Manager
720 E. Butterfield Rd, Suite 300
Lombard, IL 60148
Telephone: (208) 948-4598
Email: esther.avalos@Transdev.com

B. Primary Drug and Alcohol Program Manager (DER)

Name: Traci Johnson
Title: Administration Specialist
Address: 2311 Badger Drive
Waukesha, WI 53188
262-524-3846: OFFICE
262-510-9860: CELLULAR

C. Alternate Drug and Alcohol Program Manager

Name: Kari Bloedow
Title: Finance Director
Address: 2311 Badger Drive
Waukesha, WI 53188
262-524-6664: OFFICE
262-894-1775: CELLULAR

D. Second Alternate Drug and Alcohol Program Manager

Name: Donald G Jans
Title: Compliance Specialist
Address: 2311 Badger Drive
Waukesha, WI 53188
262-524-3633: OFFICE
414-550-0422: CELLULAR

E. Substance Abuse Program Medical Review Officer

Company Name: Concentra

MRO: Michelle Alexander, MD, MRO

Address: 8140 Ward Parkway
Kansas City, MO 64114

Contact: michelle.alexander@abbott.com

Office: 800-881-0722

F. Testing Laboratory

Name: Quest Diagnostics
Address: 1777 Montreal Circle
Tucker, GA 30084

Telephone: (866) 697-8378Name:

G. Substance Abuse Professional (SAP)

1. DOT SAP Services, LLC
Joseph Glassman, LCSW
2448 S. 102nd Street,
Suite 270
West Allis, WI 53227
Telephone: 414 759 0770

2. SAP Referral Services LLC (SAP ONLY) *,
8441 Belair Road, Suite 204,
Nottingham, MD, 21236,
United States
(888) 720-7277
***they have a national network

Additional information is available through the Employee Assistance Provider

H. Employee Assistance Program

FEI (Formerly Symmetry and Impact)
648 North Plankinton Avenue, Suite 425
Milwaukee, WI 53203
Randall Kratz, MS, LCSW, LPC
Direct: 414-359-6631
Email: rkratz@feinet.com
Customer Service (Employee Assistance): 1-800-236-7905

Appendix A – Safety Sensitive Employees

The following positions are considered to be safety sensitive:

- Vehicle Operators, Full Time and Part Time
- Transportation Dispatchers/Supervisors
- Mechanics and other Maintenance Personnel
- General Manager

Appendix B - Definitions

Accident - an occurrence associated with the operation of a vehicle is as a result:

- 1) An individual dies; or
- 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- 3) with respect to an occurrence in which the public transportation vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- 4) With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus or vessel, the public transportation vehicle is removed from operation.

Adulterated Specimen – A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol Use – The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.

Breath Alcohol Technician – A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled Test – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Collector – A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Custody and Control form.

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

Disabling Damage – Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- 1) Inclusion: Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.
- 2) Exclusions:
 - a. Damage that can be remedied temporarily at the scene of the accident without special parts or tools.

- b. Tire disablement without other damage even if no spare tire is available.
- c. Headlamp or tail light damage.
- d. Damage to turn signals, horn, or windshield wipers, which make the vehicle inoperable.

DOT, the Department, DOT Agency – All DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes.

Evidential Breath Testing (EBT) Device – A device that is approved by the National Traffic Safety Administration (NHTSA) for the evidential Testing of breath at the .02 and .04 alcohol concentrations, and appears on ODAPC's web page for "Approved Evidential Breath Measurement Devices" because it conforms with the Model specifications available from NHTSA

FTA – The Federal Transit Administration, an agency of the U.S. Department of Transportation.

HHS – The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Medical Review Officer (MRO) – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Public Transportation Vehicle – a vehicle used to transport the public or one used for ancillary services.

Split Specimen – In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted specimen.

Substance Abuse Professional (SAP) – A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders; as amended in part 40.281.

Substituted Specimen – A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Verified Test – A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Volunteer - A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity

APPENDIX C

TEST RESULTS AND DISCIPLINARY CODE

Disciplinary action for infractions of the Drug and Alcohol Abuse Policy are as follows:

A: DRUG

DRUG TEST:

Any employee that has a positive drug test.

FIRST OFFENSE: Termination

TEST REFUSAL:

Any covered employee failing to provide a urine sample as required by 49 CFR part 40, as amended, 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, including verified adulterated or substituted test results, will constitute a test refusal. .

FIRST OFFENSE: Termination.

LATE TEST:

An employee's unexplained arrival at a specimen collection site more than 30 minutes after the scheduled collection time will be considered the same as a test refusal.

FIRST OFFENSE: Termination.

DILUTE TEST:

*Any covered employee's verified test result being reported as negative dilute where the creatinine concentration of the dilute specimen is greater than 5 mg/dl, shall require a second test immediately upon notification (not observed) with no advance notice. If the second test is reported as a verified negative dilute, the **Verified Negative Dilute [40.197] shall be accepted as a negative result, no further testing (49 CFR Part 40.197).***

Any covered employee's verified test result being reported as negative dilute where the MRO reports that the creatinine concentration of the specimen was equal to or greater than 2 mg/dl, but less than or equal to 5 mg/dl will be required to submit to a recollection under direct observation (49 CFR Part 40.145 (a)(1)).

Verified Positive Dilute [40.197] shall be accepted as a positive result.

FIRST OFFENSE – VERIFIED POSITIVE DILUTE: Termination.

B: ALCOHOL:

TEST REFUSAL:

Any covered employee failing to provide adequate breath for testing as required by 49 CFR part 40, as amended, 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 will constitute a test refusal.

FIRST OFFENSE: Termination.

LATE TEST:

An employee's unexplained arrival at a specimen collection site more than 30 minutes after the scheduled collection time will be considered the same as a test refusal.

FIRST OFFENSE: Termination.

PROMOTION TEST; RANDOM TEST; REASONABLE SUSPICION TEST; POST-ACCIDENT TEST:

TEST RESULT OF 0.02 TO .039

Any employee that has an alcohol test result between the level of 0.02 and 0.039 on a promotion test, random test, a reasonable suspicion test, or a post-accident test.

FIRST OFFENSE: Suspension from duties without pay for eight (8) hours.

***SECOND OFFENSE WITHIN FIVE (5) YEARS OF FIRST OFFENSE:
Termination.***

PROMOTION TEST; RANDOM TEST; REASONABLE SUSPICION TEST:

TEST RESULT OF 0.04 OR GREATER

Any employee that has a positive alcohol test result of 0.04 or greater on a promotion test, random test or a reasonable suspicion test.

***FIRST OFFENSE:
Termination.***

MANUFACTURE, POSSESSION, OR SALE OF PROHIBITED SUBSTANCES:

Any employee engaged in manufacturing, distributing, dispensing, possessing, or using a prohibited substance, including alcohol, while on transit property, while in transit vehicles, while conducting transit business, or while in uniform.

FIRST OFFENSE: Termination and notification of law enforcement.

NOTIFYING TRANSIT SYSTEM OF CRIMINAL DRUG CONVICTION:

Employee must notify the transit system of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

FIRST OFFENSE: Termination.

All employees have a right to appeal the disciplinary action based on the appeal process outlined in the collective bargaining agreement for represented employees and in personnel policies for non-represented employees.

Appendix D

*PTMW FTA DRUG AND ALCOHOL POLICY
ACKNOWLEDGEMENT OF RECEIPT*

I, the undersigned employee of PTMW hereby certify that I have been furnished with a copy of PTMW's Substance Abuse Policy for Safety-Sensitive Employees, including its Employee Assistance Program (EAP) and that I have had training on the same. I understand that should I decide to use the services of the Employee Assistance Program (EAP) for a substance abuse problem, that the EAP is required to notify PTMW's Substance Abuse Program Administrator in order to protect my employment. I further certify that I have been provided with informational material, education and training on the dangers and problems of drug and/or alcohol use.

Executed this the _____ day of _____, 20_____

Employee Signature

Print Name

Appendix E

RESOLUTION AUTHORIZING THE ADOPTION OF SUBSTANCE ABUSE POLICY

WHEREAS, the purpose of PTMW's Substance Abuse Policy is to establish guidelines in implementing a drug and alcohol testing program that meets the requirements of the Federal Transit Administration (FTA); and

WHEREAS, the goal of the prohibited substance abuse testing program is to achieve a drug and alcohol-free work force in the interest of the health and safety of the employees and the public; and

WHEREAS, participation in the prohibited substance abuse testing program is a requirement of each safety sensitive employee, and, therefore is a condition of employment.

NOT THEREFORE BE IT RESOLVED by the Waukesha Transit Commission, as follows:

Section 1. That all testing under the FTA requirements are conducted in accordance with 49 CFR Part 40, as revised: Procedures for Transportation Workplace Drug and Alcohol Testing Programs and in accordance with 49 CFR Part 655: Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations; and

Section 2. That the amended policy of Substance Abuse becomes effective on January 01, 2018.

\\Original Signed\\
Name
Title
Waukesha Transit Commission