



6.3 Costs of Rehabilitation.

Rehabilitation costs are provided to the extent offered by the Health Service System as part of employee health plans. Employees will be allowed to take accumulated sick leave and vacation leave to participate in any prescribed rehabilitation program.

7.0 Prohibited Drug Use and Alcohol Use

7.1 Prohibited Drugs

FTA regulations specifically prohibit the use of the following illegal drugs and drug metabolites at all times: marijuana, amphetamines (methylenedioxymethamphetamine (MDMA), methylenedioxyamphetamine (MDA)), opioids (codeine, heroin, morphine, 6-Acetylmorphine, oxycodone, oxymorphone, hydrocodone, hydromorphone), phencyclidine (PCP), and cocaine.

7.2 Alcohol

No covered employee shall consume beverages containing alcohol, or substances, including any medication, such that alcohol is present in the body while performing transit business.

7.3 Legally Prescribed and Over-the-Counter Drugs

Prescription and over-the-counter drugs can adversely affect an employee's job performance. However, the use of legally prescribed drugs and over-the-counter drugs is permitted under the circumstances described below. Legally prescribed drugs include those drugs approved and authorized for the employee by a physician for use during the course of medical treatment. For prescription drugs, the physician must issue a written prescription that clearly indicates the employee's name, drug type, and proper dosage. A legally valid prescription must be consistent with the Controlled Substances Act, 21 U.S.C., Chap. 13, §§801, et seq..

*If an employee is taking prescription and/or over-the-counter drugs, he/she must obtain a signed note from a physician that the use of this drug(s) at the prescribed or authorized dosage is consistent with the safe performance of the employee's Safety Sensitive Duties. This note must be presented to the employee's supervisor before Performing Safety-Sensitive Duties.

Failure to provide this note may result in disciplinary action.*

8.0 Prohibited Conduct

8.1 Manufacture, Trafficking, Possession, and Use of Controlled



Substances

The manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace is prohibited. A "controlled substance" is any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812), and as further defined by 21 CFR 1300.11-1300.15. Any employee engaging in the manufacture, distribution, dispensing, possession or use of a controlled substance on SFMTA premises, in transit vehicles, in uniform, or while on SFMTA business will be subject to disciplinary action, up to and including termination and/or will be required to satisfactorily complete a drug abuse assistance or rehabilitation program as a condition of employment. *Law enforcement shall be notified, as appropriate, where criminal activity is suspected.*

8.2 Notifying SFMTA of Criminal Drug Conviction.

Every employee, including covered employees, must notify SFMTA of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to do so shall subject said employee to disciplinary action, up to and including termination.

8.3 Alcohol Use/Hours of Compliance

8.3.1 No Covered Employee shall use alcohol while performing Safety-Sensitive Functions.

8.3.2 No Covered Employee shall report for duty to perform a Safety-Sensitive Function or remain on duty while performing a Safety-Sensitive Function while having an alcohol concentration of 0.04 or greater.

8.3.3 No Covered Employee shall have used alcohol within four hours prior to Performing Safety-Sensitive Functions. Further, if SFMTA has actual knowledge that a Covered Employee has used alcohol within four hours, the employee will not be permitted to perform or continue to perform Safety-Sensitive Functions.

8.3.4 No Covered Employee shall use alcohol during the hours that they are on call. A Covered Employee who admits to the use of alcohol while in an on call status will not be permitted to perform Safety-Sensitive Functions unless he or she takes and passes an alcohol test.

8.3.5 Covered Employees shall refrain from alcohol use for eight (8) hours following an Accident or until an alcohol test has been administered (see Section 9.3.3.4).

8.3.6 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 or her duties for eight hours unless a re-test results in a concentration measure of less than 0.02.



8.4 Refusal to Submit to Testing

A Refusal to Submit to testing (a "Refusal") is treated the same as a positive test. The following conduct constitutes a Refusal.

- 8.4.1 Failing to appear for any test within a reasonable time (except for pre-employment tests)
- 8.4.2 Failure to remain at the testing site until the test has been completed
- 8.4.3 Failure or refusal to take a second test that SFMTA or the collector has directed the employee to take
- 8.4.4 Providing false information
- 8.4.5 Failure to cooperate with any part of the testing process, including obstructive or abusive behavior (refusal to drink water is not a refusal to test)
- 8.4.6 Failure to provide adequate urine or breath and subsequent failure to undergo a medical examination as required for inadequate breath or urine, or failure to provide adequate urine or breath and subsequent failure to obtain a valid medical explanation for the inadequate breath or urine condition
- 8.4.7 Failure to sign Step 2 of the alcohol test form (ATF)
- 8.4.8 Failure to permit Direct Observation of a urine specimen if the observation is required by 49 CFR Part 40
- 8.4.9 Adulterating, Substituting or otherwise contaminating or tampering with a urine specimen as verified by the MRO
- 8.4.10 Leaving the scene of an Accident without just cause prior to submitting to a test
- 8.4.11 Admitting to the Collector or the MRO that an employee has adulterated or substituted a urine specimen
- 8.4.12 For a collection under Direct Observation, failure to follow the observer's instructions to raise and lower clothing, and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process
- 8.4.13 Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process

Violation of these provisions shall be in accordance with disciplinary guidelines contained in applicable employee memoranda of understanding.



9.0 Testing for Prohibited Substances

9.1 Compliance with Testing Requirements

Covered Employees are required to comply with all federal testing requirements, as contained in 49 CFR Parts 40 and 655.

9.2 Procedures for Testing

9.2.1 General

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS) and the U.S. Department of Transportation (DOT). Testing for prohibited drugs and alcohol on covered employees shall be conducted in accordance with the procedures set forth in 49 CFR Part 40. The procedures that will be used to test for the presence of illegal drugs or alcohol misuse are designed to protect the employee and the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee.

9.2.2 Testing for Prohibited Drugs

Covered Employees may be tested for Prohibited Drugs at any time while on duty. The staff of the collection facility under contract to SFMTA (the "Collector") shall collect urine samples from Covered Employees to test for prohibited drugs. The Collector will split each urine sample collected into a primary and a Split sample (see Testing Procedures). The urine samples will be sent under seal, with required chain of custody forms, to the laboratory. At the laboratory, specimens are placed in secure storage. An initial drug screen will be conducted on each primary specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/ Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as set forth in the attached Exhibit B. The specimen may also be considered Adulterated or Substituted based on criteria established by DOT and DHHS (see Section 9.2.2.1). If the result of the test of the primary specimen is positive, Adulterated, Substituted or Invalid, the primary and Split Specimens will be retained in frozen storage for at least one year.

9.2.3 Specimen Validity Testing

Specimen validity testing is the evaluation of the specimen by the laboratory to determine if it is consistent with normal human urine. Validity testing



determines if the specimen contains Adulterants or foreign substances, if the urine was Diluted, or if the specimen was Substituted. Validity testing is conducted on all SFMTA specimens, in addition to the drug testing described in Section 9.2.2.

9.2.4 Alcohol Testing

Tests for alcohol concentration on Covered Employees will be conducted with a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test on an employee indicates an alcohol concentration equal to 0.02 or greater, a second test will be performed to confirm the results of the initial test. For a summary of applicable alcohol threshold levels, see Exhibits C-1 and C-2.

9.2.5 Medical Review Officer (MRO)

All drug testing results shall be interpreted and evaluated by an MRO. The MRO shall comply with the drug testing procedures set forth in 49 CFR Part 40. The MRO does not review alcohol test results.

When the laboratory reports a confirmed positive, Adulterated, Substituted, or Invalid test, it is the responsibility of the MRO to: (a) within 24 hours after verifying the test, contact the employee and inform him or her of the positive, Adulterated, Substituted, or Invalid test result, (b) afford the employee an opportunity to discuss the test results with the MRO; (c) review the employee's medical history, including any medical records and biomedical information provided; and (d) determine whether there is a legitimate medical explanation for the result, including legally prescribed medication. If the employee indicates that he or she has a medical explanation for the positive, Adulterated, Substituted, or Invalid test, he or she has up to five days to provide this information to the MRO.

9.2.5.1 Inability to Contact Employee.

The MRO has the authority to verify a positive or Refusal To Test without interviewing the employee if (a) the employee refuses to discuss the test result with the MRO, (b) if SFMTA has successfully directed the employee to contact the MRO, and the employee has not made contact with the MRO within 72 hours, (c) if neither the MRO nor SFMTA has made contact with the employee within 10 days of the date that the MRO received the test result from the laboratory.



9.2.5.2 *MRO Determination*

The MRO shall not convey test results to SFMTA until the MRO has made a definite decision that the test result was positive, Adulterated, Substituted, Invalid, or negative. The MRO may request the laboratory to conduct additional analysis of the original sample in order to verify the accuracy of the test result.

9.2.5.3 *MRO Report*

The MRO will report the test as either negative, negative with medical concern, positive, a Refusal due to Adulteration or Substitution, or Cancelled (Invalid). When the MRO reports the results of the verified positive test to SFMTA, the MRO will disclose the drug(s) for which there was a positive test. The MRO will also provide additional, clarifying information to SFMTA for tests that are confirmed as a refusal due to Adulteration or Substitution or Cancelled. The MRO may only reveal the quantitative amount of a positive drug test result to the employer, the employee, or the decision maker in a lawsuit, grievance or other proceeding initiated by the employee and arising from a verified positive drug test result.

9.2.5.4 *Split Specimen*

When the MRO has verified a test a positive or as a Refusal to Test due to Adulteration or Substitution, the MRO shall inform the employee that he or she has 72 hours to request a test of the Split Specimen.

9.3 Types of Testing

49 CFR Part 655 requires the following types of testing for Covered Employees: pre-employment, pre-promotion or transfer, reasonable suspicion, post-Accident, random, return-to-duty, and follow-up testing.

9.3.1 Pre-employment, Transfer Testing

9.3.1.1 *Pre-employment Tests*

All applicants for Safety-Sensitive positions shall undergo urine drug testing prior to employment and within 90 days prior to performing Safety-Sensitive Duties for the first time. Receipt by the SFMTA of a negative test result is required prior to the employee being placed on the payroll. *A positive, Adulterated, or Substituted test will result in a decision not to hire, and the applicant's name will be removed from the list of eligibles for Safety-Sensitive positions. SFMTA will not consider any future application from the applicant for at least two years.* If the MRO



Cancels a pre-employment test, the applicant shall be subject to another drug test. If the applicant's initial test is negative dilute the applicant will be directed to retest. If the retest result is negative dilute the applicant will not be hired and can reapply in six months.

9.3.1.2 Transfer Testing

Employees who are being considered for transfer to Safety-Sensitive positions from non-Safety-Sensitive positions will be required to undergo a drug test. An employee with a confirmed positive drug test as certified by the MRO will be disqualified from immediate transfer. *An employee who tests positive may reapply after six (6) months if he/she has successfully completed the SAP recommendations and has a negative return-to-duty test.*

9.3.1.3 Employees on Leave

When an applicant or covered employee (a) has not performed a Safety-Sensitive Function for 90 consecutive calendar days regardless of the reason, and (b) has not been in the random pool during that 90-day period, the individual must take another pre-employment test with a verified negative result.

9.3.1.4 Prior Positive Tests or Refusals to Submit

When an applicant or Covered Employee has previously failed any DOT-required test, the individual must provide proof to SFMTA that he or she has successfully completed the SAP referral, evaluation and treatment process. SFMTA will not consider hiring any person who tested positive or Refused to submit to testing for a minimum of two years following the positive test.

9.3.2 Reasonable Suspicion Testing

9.3.2.1 Federally Mandated Testing

All Covered Employees shall be subject to reasonable suspicion testing, to include urine and/or breath testing when there are reasons to believe that the Covered Employee has used a Prohibited Drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made on the basis of contemporaneous, articulable, and specific observations concerning the appearance, behavior, speech or body odors of the employee. Only supervisors who are trained to detect and document the signs and symptoms of drug and alcohol use will be authorized to make reasonable suspicion determinations.



Reasonable suspicion tests for the presence of alcohol shall only be made just prior, during, or immediately after performance of a Safety-Sensitive Function, based on observations made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance. Additionally, a reasonable suspicion alcohol test should be conducted within two hours of the determination to test. An alcohol test cannot be performed if it has not been completed within eight hours of the determination to test.

9.3.3 Post-Accident Testing

9.3.3.1 *Fatal Accidents*

As soon as practicable following an Accident that involves the loss of human life, SFMTA will conduct drug and alcohol tests on each surviving Covered Employee operating the mass transit vehicle at the time of the Accident. SFMTA will also conduct drug and alcohol tests on any covered employees whose performance could have contributed to the Accident, as determined by the onsite SFMTA supervisor using the best information available at the time of the decision.

9.3.3.2 *Non-Fatal Injury Accidents*

As soon as practicable following a non-fatal Accident in which a mass transit vehicle is involved, SFMTA will conduct drug and alcohol tests on each Covered Employee operating the mass transit vehicle at the time of the Accident unless SFMTA determines, using the best information available at the time, that the covered employee's performance can be completely discounted as a contributing factor to the Accident. Additionally, SFMTA shall test any other Covered Employee whose performance SFMTA determines could have contributed to the Accident.

9.3.3.3 *Vehicle Damage*

With respect to Accidents involving vehicle damage, all Covered Employees shall be tested in the following circumstances:

- a) In an Accident involving a **road surface vehicle** (e.g., bus, van, automobile), if any vehicle involved in the incident is disabled and must be towed from the scene, any Covered Employee operating the mass transit vehicle shall be tested unless SFMTA determines, using the best information available at the time, that the Covered Employee's performance can be completely discounted as a contributing factor to the Accident. Additionally, SFMTA shall test



any other Covered Employee whose performance SFMTA determines could have contributed to the Accident.

- b) In an Accident involving **another type of mass transit vehicle** (e.g., rail car, trolley bus, streetcar, cable car), if the mass transit vehicle is removed from revenue service, any Covered Employee on duty in the vehicle shall be tested unless SFMTA determines, using the best information available at the time, that the Covered Employee's performance can be completely discounted as a contributing factor to the Accident. Additionally, SFMTA shall test any other Covered Employee whose performance SFMTA determines could have contributed to the Accident.

9.3.3.4 Procedure

Following an Accident, all Covered Employees subject to testing shall remain readily available for testing. An employee who fails to remain readily available, including notifying a supervisor of his or her location if he or she leaves the scene of the Accident prior to submitting for testing, may be deemed to have Refused to Submit to testing.

The drug test shall occur as soon as possible, but not later than 32 hours after the Accident. An alcohol test must be attempted within two hours after the Accident. If the employee is not tested within two hours, a report must be filed documenting why the test was not performed within two hours. If an alcohol test is not administered within eight hours of the Accident, SFMTA shall cease attempts to test and shall update the report to document the reasons why the test was not conducted. Nothing in this section shall delay medical attention for the injured following an Accident or prohibit an employee from leaving the scene of an Accident for the period necessary to obtain assistance in responding to the Accident or to obtain necessary emergency medical care when appropriate approval is given.

9.3.4 Random Testing

9.3.4.1 General

Covered Employees will be subject to unannounced, random drug and alcohol testing in accordance with FTA regulations. Random testing is unpredictable and spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when Safety-Sensitive functions are performed.



Substance Abuse Program

9.3.4.2 *Random Pool*

Each Covered Employee shall be in a pool from which a minimum of 25% random selection is made for drug testing and a minimum of 10% for alcohol testing annually. Each such employee shall have an equal chance at selection and shall remain in the pool after being tested. The basis for random selection shall be by a scientifically valid random number generation method initiated by computer.

9.3.4.3 *Procedure*

Each employee notified of selection for random drug or random alcohol testing is required to proceed to the test site immediately. If the employee is performing a Safety-Sensitive Function at the time of notification, the SFMTA shall ensure that the employee ceases to perform the Safety-Sensitive Function and proceeds to the testing site immediately. A Covered Employee shall only be randomly tested for alcohol while the employee is performing Safety-Sensitive Functions, just before the employee is to perform Safety-Sensitive Functions, or just after the employee has ceased performing such functions.

9.3.5 Return-to-Duty Testing

Any Covered Employee who has failed a drug test, tested in at 0.04 or greater on an alcohol test, or who has Refused to Submit to a test, must pass the return-to-duty test ordered by the SAP. The return-to-duty drug test will be performed under Direct Observation as described in 49 CFR Section 40.67. He/she also must have successfully completed the SAP recommendations *and sign a return-to-work agreement.* A positive return-to-duty test counts as a second positive.

In order to be allowed to return to work in his or her Safety-Sensitive position, a Covered Employee must test negative on the SAP-ordered return-to-duty drug test and less than 0.02 on the return-to-duty alcohol test.

9.3.6 Follow-Up Testing

After returning to duty, the employee will be subject to unannounced drug and/or alcohol tests for up to 60 months as determined by the SAP, with a minimum of six tests during the first 12 months. The follow-up drug test will be performed under Direct Observation as described in 49 CFR Section 40.67.

Regarding Follow-Up Testing: an employee with an alcohol concentration of greater than or equal to 0.02 but less than 0.04 will be removed from Safety Sensitive Function and will be referred to the Substance Abuse Program Manager.



9.4 Testing of Split Specimen

Any Covered Employee who questions a verified positive drug test or a Refusal to Submit to testing because of Adulteration or Substitution has 72 hours from the time of notification to ask the MRO for a test of the Split Specimen.

Requests after 72 hours will only be accepted if the delay was due to documentable facts (e.g., serious injury, illness, inability to contact the MRO) that were beyond the control of the employee. This test will be conducted at a different DHHS-certified laboratory. The method of collecting, storing, and testing the Split Specimen will be consistent with the procedures set forth in 49 CFR Part 40. After a positive test, the employee will be immediately removed from his or her Safety-Sensitive Function even if analysis of the split is requested.

The employee will be responsible for the cost of having the Split Specimen tested at the second DHHS laboratory. If the employee does not pay such costs, SFMTA will seek reimbursement for the expense from the employee.

If the Split Specimen is unavailable or appears insufficient for testing, the MRO will Cancel the test and direct SFMTA to send the employee for another test that will be performed under Direct Observation. No advance notice will be given to the employee.

9.5 Consequences of Non-negative Test Result

9.5.1 Positive Drug or Alcohol Test; Refusal to Submit

Any Covered Employee who has a positive drug test as verified by the MRO, a confirmed alcohol test of 0.04 or greater, or who Refuses to Submit to a test will be removed from Safety-Sensitive Functions immediately, evaluated by a SAP, and informed of educational and rehabilitation resources available.

*An employee who tests positive will be offered a disciplinary hearing (Skelly Meeting). The employee has the option to voluntarily waive this hearing for the **first** positive drug or alcohol test if he/she agrees to accept a 30-day suspension in lieu of termination.*

9.5.2 Invalid Result

Invalid Drug Test If the MRO reports to SFMTA that an employee's drug test is Invalid, without a medical explanation that is acceptable to the MRO, the employee will be subject to an immediate re-test under Direct Observation, without advance notice. If the employee has a medical explanation for the Invalid Test that is acceptable to the MRO, the test will be Cancelled, with no further action required.



9.5.3 Dilute Specimen

A drug test result that is positive and Dilute will be treated as positive. All drug test results that are determined to be negative and Dilute will require that the employee take an immediate retest. If the retest yields a second negative Dilute result, the test will be treated as a normal negative test.

Violation of these provisions shall be in accordance with disciplinary guidelines contained in applicable employee memoranda of understanding.

9.5.4 Negative with a Safety Concern

In the event the MRO has a safety concern due to a legally prescribed medication, the MRO must also advise the employee that, before informing the Designated Employer Representative (DER) about any medication the employee is using pursuant to a legally valid prescription consistent with the Controlled Substances Act, the employee will be allowed five business days from the date the MRO reports the verified negative result to have his or her prescribing physician contact the MRO to determine 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 remains after the MRO communicates with the employee's prescribing physician or after five business days, whichever is shorter, the MRO will report the drug test results with a safety risk to the DER. If the MRO receives information that eliminates the medical qualification issue or significant safety risk, the MRO must transmit this information to the DER to whom the MRO previously provided information to.

If in the event the MRO reports to the DER that an employee is prescribed a medication that presents a medical qualification issue and/or indicates that continued performance by the employee of his or her Safety-Sensitive Function is likely to pose a significant safety risk, the employee will be referred for evaluation to an Occupational Health medical examiner at San Francisco General Hospital for final determination of medical suitability in performing Safety-Sensitive Functions.

10.0 Substance Abuse Professional (SAP)

Any Covered Employee who tests positive or refuses to submit to testing will be evaluated by a SAP. A SAP must be a licensed physician, psychologist, social worker, certified employee assistance professional, or nationally certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

The SAP will evaluate each employee by conducting a face-to-face assessment to determine what assistance the employee needs in resolving problems associated with drug abuse or



alcohol misuse. If an employee is allowed to return to duty, he or she must properly follow the rehabilitation program prescribed by the SAP.

11.0 Return-to-Work Agreements

The SAP will provide a written release to the appropriate division certifying the employee's eligibility to be considered for return to Safety-Sensitive Duty only after the employee has signed a return-to-work agreement. The return-to-work agreement shall outline the terms and conditions of continuing care.

12.0 Compliance with Background Check Requirements

All applicants and employees (transfers) applying for Safety-Sensitive positions are required to sign a written consent to allow SFMTA to obtain the following information regarding the applicant/employee's DOT drug and alcohol testing history for the previous two years:

- Alcohol tests with a result of .04 or higher
- Verified positive drug tests
- Refusals to be tested, including verified Adulterations and Substitutions
- Other violations of DOT drug and alcohol testing regulations
- Documentation of the successful completion of return-to-duty requirements and follow-up tests

Information will be obtained from all DOT-regulated employers who employed the applicant/employee for a period of two years prior to the date of the application. Such employers will be asked to include any alcohol and drug test information obtained from previous employers or other applicable DOT agency regulations. For example, if a former employer has information from other employers (within the two-year period), that employer is obligated to provide that information to SFMTA.

Additionally, the applicant or covered employee must disclose if they, within the prior two years, failed a pre-employment drug or alcohol test for an employer that did not hire them.

13.0 Training and Education

All Covered Employees shall participate in a minimum one-hour training session designed to meet FTA requirements by learning about the effects and consequences of drug use on personal health, safety and the work environment.

For supervisors participating in reasonable suspicion testing, there will be at least two hours of training to explain the criteria for reasonable suspicion determinations and testing, including at least an hour on the physical, behavioral and performance indicators of probable drug use and



another hour on the physical, behavioral, speech and performance indicators of probable alcohol misuse.

Initial training sessions will be re-enforced with educational materials and meetings. Further, employees shall be provided with SFMTA's EAP telephone number.

14.0 Records & Confidentiality

14.1 Access to Records

A Covered Employee is entitled, upon written request, to review and obtain copies of any records relating to the employee's drug and alcohol testing (excluding follow-up testing plan) and to provide information to dispute the results. However, the results of individual drug or alcohol tests shall not be released by SFMTA to anyone other than the employee without expressed written authorization of the tested individual. The only exceptions are as follows:

- a) Release to the collection facility, testing laboratory, MRO or SAP, or designee;
- b) Pursuant to a lawful court order or other law requiring disclosure;
- c) In connection with an SFMTA disciplinary, grievance, arbitration or other legal proceeding initiated by or on behalf of the individual and arising from a certified positive drug or alcohol test or from SFMTA's determination that the employee engaged in conduct prohibited under the FTA rules.
- d) To the Secretary of Transportation, any DOT agency with regulatory authority over the employer or any of its covered employees, or to a State oversight agency authorized to oversee rail fixed guideway systems.
- e) When requested by the National Transportation Safety Board as part of an Accident investigation, SFMTA shall disclose information related to its administration of a Post-Accident drug or alcohol test administered following the Accident under investigation.
- f) When requested by a State oversight agency to certify to FTA compliance with drug and alcohol testing procedures of 49 CFR Parts 40 and 655.

Access to records retained by SFMTA shall not be contingent upon the receipt of payment for production of those records. However, the MRO, laboratory, and other service agents may charge for producing records as long as those charges are consistent with 49 CFR Part 40.

14.2 Records Maintained

SFMTA shall maintain substance abuse program records in a secure location with controlled access. Records held by SFMTA or its service agents shall be maintained as follows: (a) results of negative drug tests and alcohol tests less than .02 – one year; (b)



Substance Abuse Program

SFMTA

records of collection and training, records of inspection, calibration, and maintenance of EBTs – two years; (c) records of background checks – three years; (d) records of information from previous employers concerning drug and alcohol test results, records of verified positive drug test results and alcohol tests .02 or greater, documentation of Refusals including Adulterations and Substitutions, referrals to the SAP and evaluations, follow up tests and follow up testing schedules, MIS reports to FTA – five years.

Service agents maintain all records relating to urine specimen analysis in confidence for at least two years. Service agents may not disclose such records to anyone other than the employer, the employee, or the decision maker in a lawsuit, grievance or other proceeding initiated by the employee and arising from a verified positive test result.

15.0 System Contact

Any questions regarding this policy or any other aspect of SFMTA's Substance Abuse Management Program should be directed to the office of transit system representative:

Name: [REDACTED]
Title: Substance Abuse Program Manager
Address: One South Van Ness Ave, 6th floor
San Francisco, CA 94103
Telephone: (415) 701-5018

16.0 Revisions to the Policy and Program

This policy and program is subject to revision.



SFMTA

Substance Abuse Program

EXHIBIT A: Drug and Alcohol Service Agents

Off-Site Collections



On-Site Collections



Laboratory



Medical Review Officer



Substance Abuse Professional (SAP)





SFMTA

Substance Abuse Program

EXHIBIT B: Safety-Sensitive Classifications

Basis for Testing

- A. Maintaining or repairing a revenue service vehicle or equipment used in revenue service.
- B. Operating a revenue service vehicle.
- C. Controlling dispatch or movement of a revenue service vehicle.
- D. Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Driver’s license.
- E. Carrying a firearm for security purposes.

Operations Division

Class	Title	Basis for Testing	Union
9136	Transit Training Specialist	C	200
9139	Transit Supervisor	C	200
9140	Transit Manager I	C	200
9141	Transit Manager II	C	200
9142	Transit Manager III	C	MEA
9143 *	Transit Manager IV	C	MEA
9150	Train Controller	C	200
9152	Transportation Controller Trainee	C	200
9153	Transportation Controller	C	200
9160	Transit Operations Specialist	C	200
9163	Transit Operator	B	TWU-250A
9172 *	Manager II	C	MEA
9174 *	Manager IV	C	MEA
9184 *	Deputy General Manager (Operations)	C	MEA
9916 *	Public Service Aide	C	Unrepresented

All above supervisors and managers may in the course of their duties control the movement of revenue service vehicles and so are included in the testing program.

* Some employees in these classifications are non-Safety Sensitive.



SFMTA

Substance Abuse Program

Maintenance Division

Class	Title	Basis for Testing	Union
6252	Line Inspector	A	6
7110	Mobile Equipment Assistant Supervisor	D	3
7126	Mechanical Shop Equipment Supervisor	C	1414
7130	General Superintendent Facilities Maintenance	C	MEA
7212	Automotive Transit Equipment Superintendent	C	MEA
7214	Electrical Transit Equipment Supervisor	C	6
7215	General Laborer Supervisor	C	261
7216	Electrical Transit Shop Supervisor I	C	6
7223	Cable Machinery Supervisor	C	39
7228	Automotive Transit Shop Supervisor I	C	1414
7235	Transit Power Line Supervisor I	C	6
7241	Senior Maintenance Controller	C	1414
7244	Power Plant Supervisor I	C	6
7249	Automotive Mechanic Supervisor	C	1414
7251	Track Maintenance Worker Supervisor I	C	853
7253	Electrical Transit Mechanic Supervisor I	C	6
7254	Automotive Machinist Supervisor I	A	1414
7255	Powerhouse Electrician Supervisor I	C	6
7264	Automotive Body & Fender Worker Supervisor I	C	1414
7279	Powerhouse Electrician Supervisor I	C	6
7286	Wire Rope Cable Maintenance Supervisor	E	39
7287	Supervising Electronic Maintenance Technician	A	6
7306	Automotive Body & Fender Worker	A	1414
7310	Transit Power Cable Splicer	A	6
7313	Automotive Machinist	A	1414
7314	Apprentice Stationary Engineer I	A	39
7315	Automotive Machinist Assistant Supervisor	A,B	?
7318	Electronic Maintenance Technician	A	6
7320	Apprentice Automotive Machinist I	A,B,D	1414
7321	Apprentice Automotive Machinist II	A,B,D	1414
7322	Automotive Body & Fender Worker Assistant Supervisor	C	1414
7325	General Utility Mechanic	A	1414
7326	Glazier	A	718
7328	Operating Engineer Universal	D	6



SFMTA

Substance Abuse Program

Class	Title	Basis for Testing	Union
7329	Electronic Maintenance Technician Assistant Supervisor	A	6
7333	Apprentice Stationary Engineer II	A	39
7334	Stationary Engineer	A	39
7338	Electrical Line Worker	A	6
7340	Maintenance Controller	C	1414
7345	Electrician	A	6
7355	Truck Driver	D	853
7364	Powerhouse Operator	C	6
7365	Senior Powerhouse Operator	C	6
7366	Transit Power Line Worker	A	6
7371	Electrical Transit System Mechanic	A, B	6
7380	Electrical Transit Mechanic Assistant Supervisor	C	1414
7381	Automotive Mechanic	A, B	1414
7382	Automotive Mechanic Assistant Supervisor	C	6
7383	Apprentice Automotive Mechanic I	A,B,D	1414
7384	Apprentice Automotive Mechanic II	A,B,D	1414
7390	Welder	A	6
7408	Assistant Powerhouse Operator	C	6
7409	Electrical Transit Service Worker	A, B	*
7410	Automotive Service Worker	A, B	TWU-250A
7412	Automotive Service Worker Assistant Supervisor	C, B	200
7430	Assistant Electronic Maintenance Technician	A	6
7432	Electrical Line Helper	A	6
7454	Traffic Signal Operator	C	1021
7458	Switch Repairer	A	261
7472	Wire Rope Cable Maintenance Mechanic	A	39
7473	Wire Rope Cable Maintenance Mechanic Trainee	A	39
7514	General Laborer	A	261
7540	Track Maintenance Worker	A	261
9102	Transit Car Cleaner	A	1021
9104	Transit Car Cleaner Assistant Supervisor	C, B	1021
9940	Pre-Apprentice Automotive Mechanic	A,B,D	1414



EXHIBIT C: DOT Drug Panel

Pursuant to U.S. Department of Transportation regulations, following are the drugs to be tested for, and the threshold levels of each test which the SFMTA is required to accept.

Initial test analyte	Initial test cutoff concentration ¹	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA) ²	50 ng/mL ³	THCA ¹	15 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL ³	Benzoylecgonine	100 ng/mL
Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL	Hydrocodone/Hydromorphone	100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL	Oxycodone/Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine/ MDMA ⁴ /MDA ⁵	500 ng/mL	Amphetamine/Methamphetamine/MDMA/MDA	250 ng/mL

¹ For grouped analytes (i.e., two or more analytes in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory’s validated limit of quantification) must be equal to or greater than the initial test cutoff.

² An immunoassay must be calibrated with the target analyte, Δ-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

³ Alternate technology (THCA and Benzoylecgonine): When using an alternate technology initial test for the specific target analytes of THCA and Benzoylecgonine, the laboratory must use the same cutoff for the initial and confirmatory tests (i.e., 15 ng/mL for THCA and 100ng/mL for Benzoylecgonine).

⁴ Methylenedioxyamphetamine (MDMA).

⁵ Methylenedioxyamphetamine (MDA).



Substance Abuse Program

SFMTA

- The Medical Review Officer (MRO) has the authority to conduct D, L stereoisomer and THC –V testing.

ALCOHOL

(Includes ethanol, methanol, isopropanol)

Breath Alcohol Concentration (expressed in terms of grams of alcohol per 210 liters of breath)	
Initial Screen	Confirmatory (given if initial screen is 0.02 or greater)
Less than 0.02	0.02 or greater
Perform Safety-Sensitive Function	Employee may not perform Safety-Sensitive Function



Substance Abuse Program

SFMTA

EXHIBIT D: Consequences of Positive Drug/Alcohol Tests (9163's)

Testing Types	Substance	Assumption of Results	Employee Status Waiting for Results	1 st Positive	2 nd Positive Within 5 Years
Pre-Employment	Drug	N/A	N/A	Not hired, may not reapply for two years.	Not hired, may not reapply.
Pre-Employment (90-Day Rule)	Drug	N/A	Return to Work process paused	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. Discipline will not imposed until cleared for safety-sensitive duty.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Random - Drug	Drug	Assumed Negative	On Duty	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Random - Alcohol	Alcohol > or = .04	Positive	Immediate Results	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Post Accident	Drug or Alcohol	Assumed Negative	On Duty	Removed from Duty ¹ No pay, Referred to SAP, SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. ⁴	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Reasonable Suspicion	Drug or Alcohol	Assumed Positive	Off Duty Until	Removed from Duty ¹ No pay,	Will be Subject to Termination



Substance Abuse Program

SFMTA

Testing Types	Substance	Assumption of Results	Employee Status Waiting for Results	1 st Positive	2 nd Positive Within 5 Years
			Results Received	Referred to SAP, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. ⁴	Except Where Substantial Mitigating Circumstances Warrant.
Return-to-Duty	Drug or Alcohol	Assumed Negative	Off Duty Until Results Received	N/A	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Follow-Up Testing	Drug or Alcohol	Assumed Negative	On Duty	N/A	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.



Substance Abuse Program

SFMTA

Issues	Substance	1st Occurrence	2nd Occurrence Within 5 Years
Refusal to Test	Drug or Alcohol	Removed from Duty ¹ No pay. Referred to SAP For treatment recommendation. Return to duty and follow-up testing. Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant
Failure to Comply with Treatment Program or Return to Work Agreement	Drug or Alcohol	Off work ¹ No pay. Referred to SAP for treatment recommendation. Return to duty and follow-up testing. Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant
Alteration of Specimen	Drug or Alcohol	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant. ¹	Termination

- 1 Any employee who is subsequently determined to be the subject of a false positive or under reasonable suspicion tests negative shall be made whole for any wages and benefits lost.
- 2 Employee may use accumulated sick/vacation pay for rehabilitation program.
- 3 Employee may not return to work until SAP certifies them capable of returning to their safety-sensitive job.
- 4 Disciplinary action to be a 30-day suspension except that a first positive relating to an incident resulting in death, serious bodily injury or substantial destruction of property warrants immediate discharge



Substance Abuse Program

SFMTA

EXHIBIT E: Consequences of Positive Drug/Alcohol Tests (Not 9163)

Testing Types	Substance	Assumption of Results	Employee Status Waiting for Results	1 st Positive	2 nd Positive Within 5 Years
Pre-Employment	Drug	N/A	N/A	Not hired, may not reapply for two years.	Not hired, may not reapply.
Pre-Employment (90-Day Rule)	Drug	N/A	Return to Work process paused	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. Discipline will not imposed until cleared for safety-sensitive duty.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Random - Drug	Drug	Assumed Negative	On Duty	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Random - Alcohol	Alcohol > or = .04	Positive	Immediate Results	Removed from Duty ¹ No pay, ² , Referred to SAP	Will be Subject to Termination Except Where Substantial Mitigating



Substance Abuse Program

SFMTA

				SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action.	Circumstances Warrant.
Post Accident	Drug or Alcohol	Assumed Negative	On Duty	Removed from Duty ¹ No pay, Referred to SAP, SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. ⁴	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Reasonable Suspicion	Drug or Alcohol	Assumed Positive	Off Duty Until Results Received	Removed from Duty ¹ No pay, Referred to SAP, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. ⁴	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Return-to-Duty	Drug or Alcohol	Assumed Negative	Off Duty Until Results Received	N/A	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Follow-Up Testing	Drug or Alcohol	Assumed Negative	On Duty	N/A	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.



Substance Abuse Program

SFMTA

Issues	Substance	1 st Occurrence	2 nd Occurrence within 5 years
Refusal to Test	Drug or Alcohol	Removed from Duty ¹ No pay. Referred to SAP For treatment recommendation. Return to duty and follow-up testing. Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant
Failure to Comply with Treatment Program or Return to Work Agreement	Drug or Alcohol	Off work ¹ No pay. Referred to SAP for treatment recommendation. Return to duty and follow-up testing. Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant
Alteration of Specimen	Drug or Alcohol	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant. ¹	Termination

- 1 Any employee who is subsequently determined to be the subject of a false positive or under reasonable suspicion tests negative shall be made whole for any wages and benefits lost.
- 2 Employee may use accumulated sick/vacation pay for rehabilitation program.
- 3 Employee may not return to work until SAP certifies them capable of returning to their safety-sensitive job.
- 4 Disciplinary action to be a 30-day suspension except that a first positive relating to an incident resulting in death, serious bodily injury or substantial destruction of property warrants immediate discharge.



SFMTA

Substance Abuse Program

SFMTA DRUG AND ALCOHOL TESTING PROCEDURES



Drug Specimen Collection Procedures

These collection procedures shall apply to all types of drug testing (e.g. Random, Reasonable Suspicion, Post-Accident, etc.)

1. Collection site(s)/agents shall have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a DHHS-certified drug testing laboratory. Collection site(s)/agents shall be qualified/trained in accordance with Federal Regulations.
2. The collection agent will execute standardized chain-of-custody forms. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain-of-custody procedures. Every effort will be made to minimize the number of persons handling specimens. All DOT (FTA) tests for covered employees shall be conducted using DOT chain-of-custody forms. Drug tests conducted under SFMTA's own authority may not use federal chain-of-custody forms.
3. Designated on-site collections areas have been established to protect the privacy of the employee being tested and to comply with federally mandated testing procedures. In emergency situations, such as post-accident testing, an employee restroom may be used. In such a case, a same gender collector may enter the restroom with the employee but will remain outside the stall until the specimen is collected. No unauthorized persons will be permitted in any part of the designated collection area where specimens are collected or stored.
4. The collection agent shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine specimen bottle and on the chain-of-custody form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:
 - a. To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks so the reservoir of water in the toilet bowl remains blue. There shall be no source of water (e.g. no shower or sink) in the enclosure where urination occurs.

When an individual arrives at the collection site, the collection agent shall request the individual to present photo identification. If the individual does not have proper photo identification, the collection agent shall contact the supervisor of the individual or other SFMTA supervisor who can positively identify the individual. If the individual's identity cannot be established, the collection agent shall not proceed with the collection.

- c. If the individual fails to arrive at the designated collection site at the assigned time, the collection agent shall contact SFMTA's Designated Employer Representative ("DER") to advise her/him of the no-show status



Substance Abuse Program

SFMTA

- d. The collection agent shall ask the individual to remove any unnecessary outer garments, such as a coat or jacket that might conceal items or substances that could be used to tamper or adulterate the individual's urine specimen. Additionally, the collection agent shall request that the individual empty his or her pockets and display any items in them that could be used to adulterate a specimen. If nothing is there that could be used to adulterate the specimen, the employee may return the items to his/her pockets. The collection agent shall ensure that all personal belongings, such as a purse or briefcase, remain with the employee's clothes, and that these items are secured. The individual may retain his or her wallet.
- e. The individual shall be instructed to wash and dry his/her hands prior to urination.
- f. After washing his/her hands, the individual shall remain in the presence of the collection agent and shall not have access to any water fountain, faucet, soap dispenser, cleansing agent or any other materials that could be used to adulterate the specimen.
- g. The collector shall ensure that the proper chain-of-custody forms are used, as described in Paragraph 2, above.
- h. The collection agent shall provide the individual with a collection container capable of holding at least 45 ml. of urine and direct the employee to go into the room used for urination, provide a specimen of at least 45 ml., not flush the toilet, and return to the collection agent as soon as the employee has completed the void.
- i. In the presence of the donor, the collector shall pour the urine into the two specimen bottles provided, with at least 30 ml. into one bottle for the primary specimen, and at least 15 ml. into the other bottle to be used as the split specimen.
- j. If the individual is unable to provide such a quantity of urine, the collector shall instruct the individual to drink not more than 40 ounces of fluids. Refusal to drink does not constitute a Refusal to Submit to testing. The individual has up to three hours to provide a complete sample using a fresh collection container. The employee may not leave the test area during the three-hour period and will be monitored during that period by testing personnel. If, after three hours, the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the DER notified. The DER shall refer the employee for a medical evaluation by a physician to develop pertinent information concerning whether the employee's inability to provide a specimen constitutes a refusal to test. In the absence of medical justification, the inability to provide a sample will be treated as a Refusal to Submit to testing and have the same consequences as a positive test.
- k. The collector shall measure the temperature of the specimen. The measuring device must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measurement is critical and in no case shall exceed four minutes. If the temperature of the specimen is outside the range of 32°-38°C / 90°-100°F that constitutes a reason to believe that the individual may have altered or



Substance Abuse Program

SFMTA

substituted the specimen. In that case, another specimen shall be collected under direct observation of a person of the same gender and who is a collection agent or has been appropriately instructed by the collection agent. Both specimens shall be forwarded to the laboratory for testing.

- l. Immediately after the specimen is collected, the collection agent shall also inspect the specimen to determine its color/smell and look for any signs of contaminants. Any unusual findings shall be noted on the chain-of-custody form.
 - m. Whenever there is reason to believe that an individual has Altered or Substituted the specimen, a second specimen shall be obtained as soon as possible under the Direct Observation of a person of the same gender and who is a collection agent or has been appropriately instructed by the collection agent. All specimens suspected of being Adulterated shall be forwarded to the laboratory for testing.
 - n. Both the collection agent and the individual being tested shall keep the specimen in view at all times prior to its being sealed and labeled.
5. The collection agent shall complete the chain-of-custody form, label and secure the specimen container, and prepare the specimen for shipment to the laboratory. Specifically, the collection agent shall place the tamper-evident seals on each bottle, then write the date on the seals. The Covered Employee must initial the seals after they have been affixed on the bottles.
 6. Both bottles shall be shipped to the laboratory in a single shipping container (e.g., plastic bag), together with Copy 1 of the chain-of-custody form.



Circumstances Authorizing Direct Observation

The following circumstances are the exclusive grounds constituting a reason to believe that the individual may have altered or substituted the specimen. If any of these circumstances exist, it will be necessary to conduct an observed collection.

1. The employee has presented a urine specimen that falls outside the normal temperature range (32°-38°C / 90°-100°F) or the original specimen appears to have been tampered with.
2. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the SFMTA that there was not an adequate medical explanation for the result.
3. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation.
4. The MRO reports that (1) the specimen is Invalid and that there was not an adequate medical explanation for the result; or (2) the MRO reported that the original positive, Adulterated, or Substituted test result had to be Cancelled because the Split Specimen analysis could not be performed.
5. As an employer, the SFMTA must direct a collection under Direct Observation of a Covered Employee if the drug test is a return-to-duty test or a follow-up test.
6. The collector must ensure that the observer is the same gender as the employee. The collector must never permit an opposite gender person to act as the observer. The observer can be a different person from the collector and need not be a qualified collector provided that he or she is appropriately instructed by a qualified collector.
7. If someone else is to observe the collection (e.g., in order to ensure a same gender observer), the collector must verbally instruct that person to follow procedures at paragraphs (9) and (10) below. If the collector is the observer, he or she too must follow these procedures.
8. The observer must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer, by turning around, that they do not have a prosthetic device. After the observer has determined that the employee does not have such a device, the observer may permit the employee to return clothing to its proper position for observed urination.
9. The observer must watch the employee urinate into the collection container. Specifically, the observer is to watch the urine go from the employee's body into the collection container



Breath Alcohol Testing Procedures

These collection procedures shall apply to all types of alcohol testing (e.g., Random, Reasonable Suspicion, Post-Accident)

Breath alcohol testing shall be conducted by a trained Breath Alcohol Technician (BAT). Testing will be conducted in a manner to ensure the greatest amount of employee aural and visual privacy (mobile or clinic facility). Unauthorized access to the testing area is prohibited. One test will be conducted at a time. The BAT will utilize an Evidential Breath Testing (EBT) device authorized by 49 CFR Part 40.

1. Upon arrival at the testing site (whether on or off SFMTA premises) the following procedures will be followed. The Covered Employee will be asked to present picture identification for the BAT, or the supervisor accompanying the employee will be asked to verify the identity of the employee.
2. The procedure will be explained to the Covered Employee and he/she will be asked to sign Block 2 of the alcohol test form (ATF). A refusal to sign the ATF form will be treated as a Refusal to Submit to testing. The employee will be immediately removed from duty, instructed to report to his/her supervisor, and advised to contact the Substance Abuse Professional.
3. The BAT will open a sealed mouthpiece in view of the Covered Employee and attach it to the EBT.
4. The Covered Employee will be instructed to blow into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
5. The results will be shown to the employee and printed out of the EBT.
6. If the results are negative (less than 0.02), the BAT will sign in the appropriate space and release the Covered Employee to return to duty. Employees tested under the random testing program will be provided with a return-to-work release form to give to the supervisor.
7. If the screening test results are equal to 0.02 or greater, the BAT will perform a confirmation breath test.
8. The confirmation test must be conducted no less than 15 minutes, but not more than 30 minutes, following the screening test. Between tests, the employee will be instructed not to eat, drink, put anything into his or her mouth, or belch, and must remain with the BAT. The BAT will conduct air blanks until a 0.00 reading is obtained. A new mouthpiece will be provided for the employee. Beginning the confirmation test after 30 minutes has expired does not invalidate the confirmation test results; however, the BAT must document why the confirmation test began after the 30-minute point.



9. If the confirmation test is equal to 0.04 or greater, the DER will be notified, and the Covered Employee's supervisor will be provided written confirmation of the necessity to remove the employee from duty and referred to the SAP. If the confirmation test result is equal to 0.02 or greater but less than 0.04, the employee is prohibited from performing a Safety-Sensitive Function until his or her next shift, but not less than eight hours from the time of the test, or until another breath test result is less than .02.
10. If the Covered Employee refuses to sign the ATF, provide breath or provide an adequate amount of breath, the test will be terminated and the DER will be notified. This is a Refusal to Submit to testing and will have the same consequences as a positive test. The supervisor will be notified that the employee is not released to return to duty.
11. If a screening or confirmatory test cannot be completed because the Covered Employee cannot produce adequate breath (shy breath), additional attempts will be made. A new test is started with a new device test number. An employee who is unable to provide adequate breath for testing will be subject to a medical examination to determine whether a medical condition exists. If the examining physician determines the employee has a medical condition precluding him/her from providing an adequate amount of breath for testing, the physician shall document the finding for SFMTA's files. If the examining physician finds no medical reason for the inability to provide adequate breath for testing, the findings should be documented, and the employee removed from duty. In the absence of medical justification, the inability to provide adequate breath will be treated the same as a refusal to test.



Random Testing Procedures

The FTA regulations require random testing for prohibited drugs and alcohol for all Safety-Sensitive employees (Covered Employees). Random testing identifies employees who are using drugs or misusing alcohol but are able to use the predictability of other testing methods to escape detection. More importantly, it is widely believed that random testing serves as a strong deterrent against employees beginning or continuing prohibited drug use and misuse of alcohol at SFMTA. SFMTA has developed procedures for notification and collection to best implement the requirements of the federal rules.

These procedures answer common questions regarding random testing: Who is tested? Why are only some individuals tested? When and how do the tests occur?

1. Random drug and alcohol testing applies only to Safety-Sensitive employees. Identification numbers for all Safety-Sensitive employees are included in a selection pool.
2. Random drug and alcohol testing is accomplished by a scientifically valid, tamper-proof, computer-generated selection process. A random list of employee numbers will be generated every month by the Substance Abuse MIS staff. A surplus will be randomized to allow for selected employees who are not available. SFMTA determines that "not available" is limited to employees who are not at work due to vacation, sick leave, disability or scheduled time off. Employees who are unavailable will have their names held, and other attempts will be made to test them until the next random selection list is generated. The MIS Personnel triggers the selection list of the month's Operations and Maintenance employees to be scheduled for testing.
3. Once a list is generated, employee numbers are matched with names and the names are sorted by division. The work schedule for each employee is determined. Testing is then scheduled on an unannounced, weekly basis. Testing is conducted on-site by mobile van.
4. No employee will be removed from the random pool following selection, and every employee will continue to be subject to selection throughout the year. Every employee in the random pool has an equal chance of being selected every time. Employees are only removed from the random pool when they are in rehabilitation programs, permanently transferred to a non-safety-sensitive position, or on extended leave.
5. Random testing will be conducted on all shifts, all times of day, and all days of the week throughout the calendar year. No shift is exempt from testing. The total number of drug tests completed annually must be a minimum of twenty-five percent (25%) of the eligible Safety-Sensitive employees in the random pool. The total number of alcohol tests completed each year must be a minimum of ten percent (10%) of the number of safety-sensitive employees.
6. Random drug testing may be conducted concurrently with random alcohol testing or at any time while an employee is on duty. Random alcohol testing will be conducted just before the employee is scheduled to perform a Safety-Sensitive Function, while the



Substance Abuse Program

SFMTA

employee is performing Safety-Sensitive Duties or just after the employee performs a Safety-Sensitive Function.

7. Maintenance and Operations supervisors will be notified which employees have been selected for testing. (See Procedures for Random Test Notification). Employees will be notified to stop work, where to report for testing, and who will relieve them, if necessary. Once an employee is notified of his/her selection, he/she must report immediately for the test. If an employee is not notified, a "Failure to Test as Scheduled" form must be completed and signed by the supervisor.
8. The employee must submit to a drug and/or alcohol test, and sign all necessary forms. Failure to cooperate with the collection procedure in any way constitutes a refusal to test, which is considered the same as a positive test result.
9. The employee will be in a paid status throughout random testing. The employee will be removed from duty if the result of the alcohol tests is positive, when a positive or non-negative drug test result is received, or if the employee Refuses to Submit to testing.
10. If both alcohol and drug tests are given, the breath alcohol test will be performed first. Immediately thereafter, the urine sample will be collected for the drug test.
11. If there is a confirmed breath alcohol test greater than or equal to .02 and less than .04, the employee *will be relieved from duty* immediately until the start of his/her next shift, but not less than eight (8) hours following administration of the test, or until the employee's alcohol concentration measures less than .02.
12. If there is a confirmed positive breath alcohol test (equal to .04 or above), and/or a confirmed positive, Refusal to Submit to testing, Adulterated, or Substituted drug test, the employee will be removed from duty and directed to the Substance Abuse Professional (SAP) for an evaluation and referral for rehabilitation or education. The employee cannot return-to-work until he/she has been released by the SAP, completed the return-to-work agreement and successfully completed a return-to-duty test.
13. Employees who test positive for drugs or alcohol, refuse testing, or whose drug test has been Adulterated or Substituted, will be disciplined in accordance with applicable memoranda of understanding.



Procedures for Random Test Notification

1. The MIS staff person will trigger the selection list of the month's Operations and Maintenance employees to be scheduled for testing.
2. The Testing Coordinator will notify the collector of the time and location for testing.
3. Notification of Covered Employees

The Substance Abuse Program will notify the employee's Supervisor/Manager, Division Dispatcher or Inspector.

a. Notification of Operators:

- Notification will be by the Division Dispatcher if the operator pulls out of the Division at any time during the work day.
- Notification will be by an Inspector, or Inspector Manager, if the operator does not pull out of the Division.

Time of notification must be documented.

b. Notification of Non-Platform Employees:

- The Deputy Director of Operations' designee will inform the immediate supervisor of any non-platform employee who is selected for testing the day of the test. This supervisor will then make the notification to the employee.

Time of notification must be documented.

Non-Platform Notification Tree

Notifier	Employee
Director of Transportation	Director of Transit
Director of Transit	Deputy Transit Manager
Deputy Transit Manager	Manager IV
Manager IV	Manager II
Manager II	Transit Manager IV
Transit Manager IV	Transit Manager III
Transit Manager III	Transit Manager II
Transit Manager II	Transit Manager I
Transit Manager I	9139 Supervisors

c. Notification of Maintenance Employees:

- Notification will be by the supervisor/manager on site. Supervisors will be informed the day of the test. Notification will be at the latest possible time to minimize the



SFMTA

Substance Abuse Program

possibility of employee's learning of testing prior to reporting to work or prior to the collection van arriving on site.

The time of notification must be documented.

- d. Reporting: The employee shall report to the test site immediately.
4. SFMTA requires that the "Random Testing Notification Form" (see attached) be completed by the supervisor and signed by the employee.
5. The employee cannot "go off sick" or on vacation or leave work after notification.
6. Collection personnel shall report "no shows" to the Testing Coordinator.
7. The Testing Coordinator shall confirm with the supervisor or Central Control that the employee was notified.
8. The Substance Abuse Manager shall notify Operations and Maintenance if an employee fails to report for testing after notification.
9. An employee who fails to report for testing shall be removed from duty immediately. This will be treated as a Refusal to Submit to testing and have the same consequences as a positive test. He/she cannot return to duty until cleared by the SAP.



SFMTA

Substance Abuse Program

RANDOM TESTING NOTIFICATION FORM

EMPLOYEE NAME: _____ ID# _____

TIME OF NOTIFICATION: _____ DATE OF TEST: _____

TYPE OF TEST: Drug Alcohol Both

LOCATION OF TEST SITE: _____ WORK LOCATION: _____ PHONE: _____

_____, under federal regulations for random drug and alcohol
(Employee's Name)

testing of Safety-Sensitive employees, you have been randomly selected for testing for the presence of prohibited drugs and alcohol. You are hereby notified of that selection. Your signature indicates that you have read and understood the given instructions, agree to take the test and authorize the release of your test results to the San Francisco Municipal Transportation Agency (SFMTA).

=====

SAFETY-SENSITIVE EMPLOYEES

STATEMENT TO EMPLOYEES REGARDING REFUSAL TO SUBMIT TO RANDOM DRUG AND/OR ALCOHOL TESTING

If you Refuse to Submit to a random drug and/or alcohol test, refuse to sign the necessary forms, or follow instructions, it will be considered a violation of the random testing procedure. You will be removed from duty and referred to the Substance Abuse Professional for assessment. This information will be forwarded to the Director of Transit or designee.

Employee's Signature

Date

Notifier's Signature

Date

=====

RETURN-TO-DUTY RELEASE

_____ Employee has completed all testing requirements and is released to duty.

_____ Employee has not completed all testing requirements, or has tested positive for alcohol from 0.02-0.039 and is NOT released to return-to-duty:

_____ For eight (8) hours or until next shift.

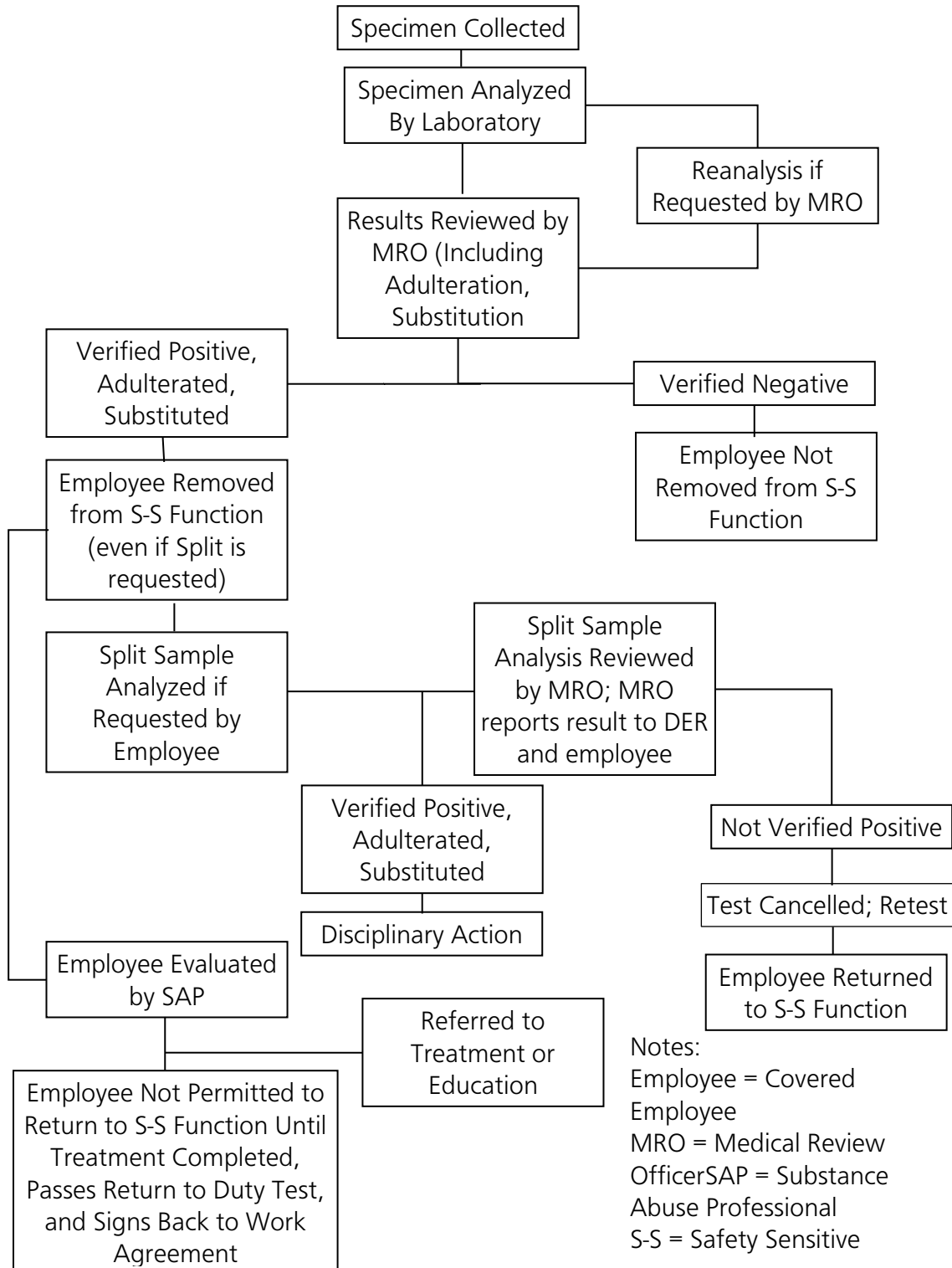
_____ Until released by Substance Abuse Professional (SAP).

Collector's Signature

Date & Time Finished



Drug Testing Process for All Tests

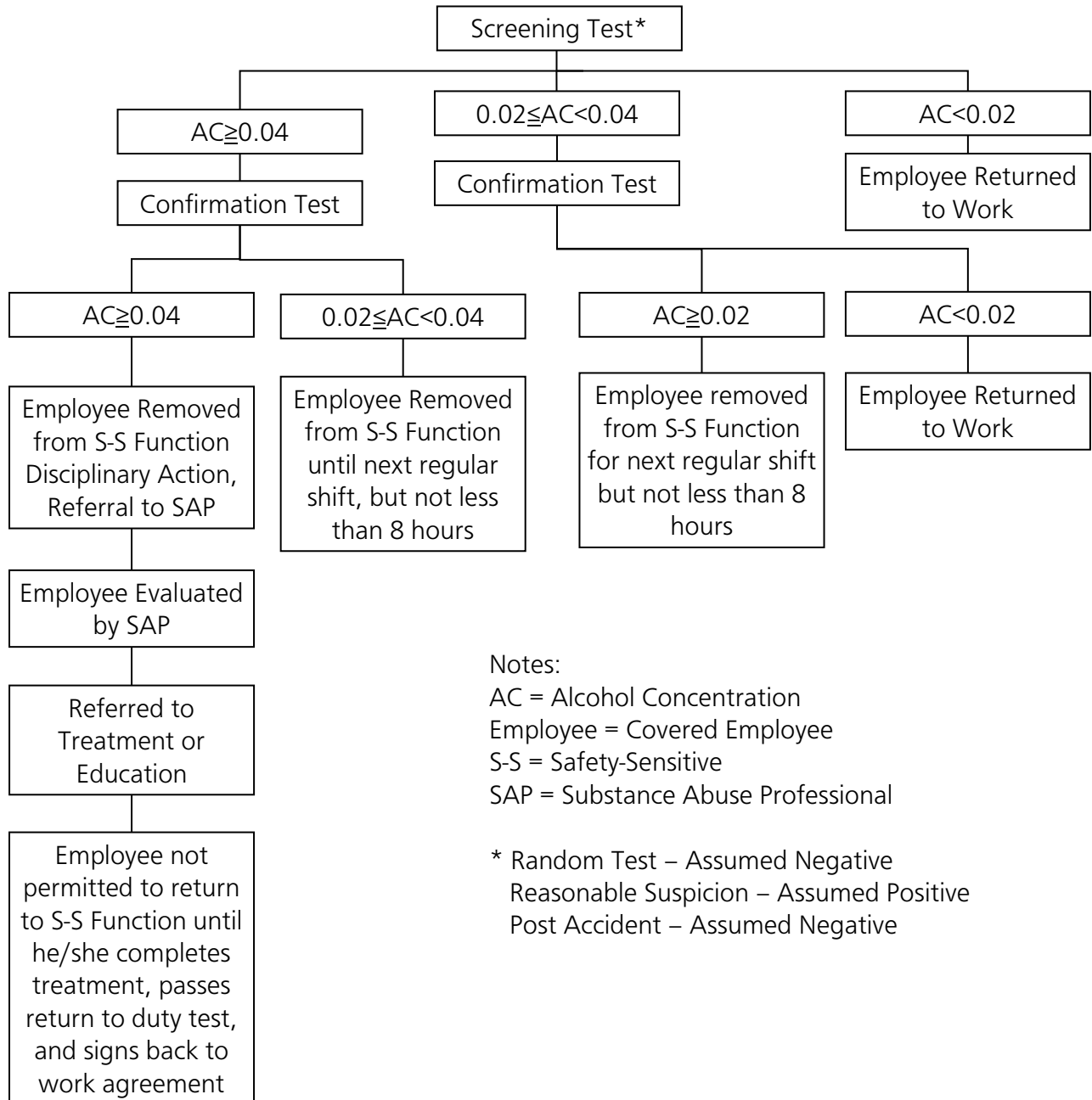




Substance Abuse Program

SFMTA

Alcohol Testing Process for All Tests (see 49 CFR § 655.35a)





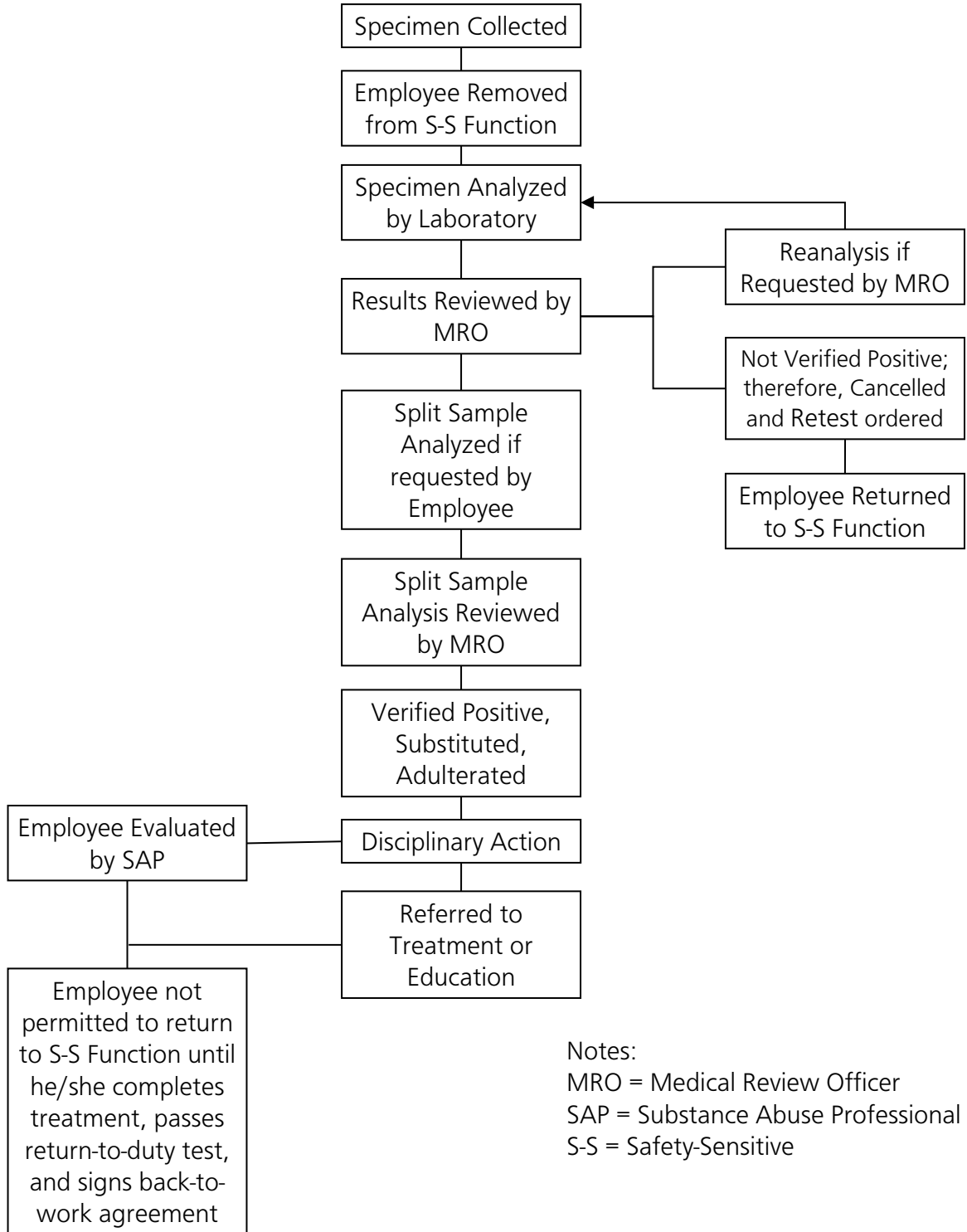
Reasonable Suspicion Testing Procedures

The FTA regulations also require a Covered Employee to submit to a test when the employer has a reasonable suspicion that the employee has used a prohibited drug or has misused alcohol. The request to undergo a reasonable suspicion test must be based on specific, articulable observations concerning appearance, behavior, speech, or body odor of the Covered Employee. A trained supervisor must make these observations.

1. Supervisors and managers receive training in order to identify behaviors that might be indicators of drug use and/or alcohol misuse. Training includes the procedures for how to deal with employees suspected of drug use and/or alcohol misuse.
2. If one trained supervisor observes behavior that might be indicative of drug use and/or alcohol misuse, he/she directs the employee to stop work and escorts the employee to an area to be questioned and observed in private.
3. The supervisor completes the Supervisor's Alcohol and/or Substance Abuse Report. The supervisor must ensure that the employee does not continue to operate in a Safety-Sensitive job after having been identified for reasonable suspicion testing.
4. If there is a decision to test based on observable symptoms, the employee is ordered to submit to a drug and/or alcohol test and is taken to the collection site.
5. The employee is on paid status until the test collection is completed. SFMTA requires that the employee may not perform Safety-Sensitive work pending the outcome of the drug test. Since the employee is believed to be under the influence of drugs and/or alcohol, arrangements will be made to have him/her transported home.
6. If there is a confirmed breath alcohol test equal to 0.02 or greater but less than 0.04, the employee will be relieved from his or her Safety-Sensitive Function immediately for a minimum of eight hours.
7. If there is a confirmed positive breath alcohol test (equal to 0.04 or above), refusal to submit to testing, or confirmed positive drug test, the employee will be directed to the Substance Abuse Professional (SAP) for an evaluation and referral for rehabilitation or education.
8. Employees who test positive for drugs or alcohol, refuse to submit to a test, or whose test result is Adulterated or Substituted will be disciplined in accordance with applicable memoranda of understanding.



Drug Testing Process for Reasonable Suspicion



Notes:
MRO = Medical Review Officer
SAP = Substance Abuse Professional
S-S = Safety-Sensitive



Post-Accident Testing Procedures

The FTA regulations require testing for prohibited drugs and alcohol in the case of certain mass transit accidents. Post-accident testing is mandatory for accidents where there is a loss of life and for other non-fatal accidents.

1. The inspector ensures that all injured people receive proper medical care.
2. The supervisor determines whether the accident meets FTA criteria (see "Post-Accident Testing Chart").
3. The employee will be taken to the collection site and tested as soon as practicable following the accident. The tests should be performed within two hours of the accident. If tests are not performed within two hours, the inspector must document the reasons why the test was not performed. If an alcohol test cannot be administered within eight hours, the test must be cancelled and the inspector shall document the reasons why the test was not conducted. If a drug test cannot be performed within 32 hours after the accident, the inspector shall document the reasons why the test was not conducted.
4. The employee should remain readily available for alcohol testing up to eight hours post-accident and for drug testing, up to 32 hours after the accident, including notifying his/her supervisor of his/her location, or he/she may be deemed to have refused to submit to testing.
5. If the employee is injured and needs medical treatment, provisions will be made to perform an alcohol test within eight hours and a drug test within 32 hours of the accident.
6. The employee is prohibited from using alcohol for eight hours after the accident, prior to testing.
7. Pending the results of a drug test, the employee will be returned to his/her safety-sensitive position if medically cleared to be returned to work. In the interests of safety, SFMTA may transfer an employee to a non-safety-sensitive status pending the results of a drug test. These determinations will be made on a case-by-case basis.
8. If the alcohol test is positive (equal to .04 or greater), the employee must be removed from duty and referred to the SAP. If the test is equal to 0.02 or greater but less than 0.04, the employee will be removed from duty for at least eight hours.
9. If the employee refuses to submit to a test or if the test is confirmed positive, the employee will be removed from duty and referred to the SAP.
10. Discipline for positive, adulterated, or substituted drug and/or alcohol tests, and refusals to submit to testing will be imposed in accordance with applicable memoranda of understanding.



Post-Accident Alcohol & Drug Testing Criteria

A post-accident test shall be conducted when the incident meets the criteria listed below. A post-accident test is NOT a probable cause or reasonable suspicion test.

Definitions

Accident means an occurrence associated with the operation of a revenue service vehicle, if as a result–

- (1) An individual dies;
- (2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
- (3) With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, "disabling damage" means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail-lights, turn signals, horn, or windshield wipers that makes them inoperative; or
- (4) With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from revenue service.

For accidents *not involving a fatality*, there are two categories:

Road Surface Vehicles

The first category is for "road surface" vehicles, including buses, vans, and automobiles.

An accident is an occurrence resulting in a vehicle—either a mass transit vehicle or another vehicle—suffering disabling damage and having to be towed away.

Rail Vehicles

The second category includes rail cars, trolley buses and trolley cars, and vessels. This category would include other kinds of transit conveyances operated by FTA recipients, such as people movers, inclines, and monorails. (Cable cars fit into this category.)

An accident is deemed to have occurred to such a vehicle when the occurrence results in the mass transit vehicle being removed from revenue service.



This includes an accident when the vehicle is in operation but occurring when the vehicle is not operating in revenue service (for example, in the yard), if it results in damage that would result in a comparable vehicle being withdrawn from revenue service or results in a delay in the vehicle placed into or returned to revenue service.

Who is Tested?

Fatality

If an accident involving a fatality has occurred, a test must be given to those surviving covered employees operating the vehicle at the time of the accident. Tests should also be administered to any other covered employee who SFMTA determines could have contributed to the accident.

Bodily Injury or Property Damage

Road Surface Vehicles

With respect to non-fatal accidents involving road surface vehicles, a Covered Employee operating the vehicle at the time of the accident would have to be tested unless the employer determines that an employee's performance can be completely discounted as a contributing factor to the accident.

Rail Vehicles

With respect to rail vehicles, the employer must test Covered Employees operating the vehicle at the time of the accident, unless the employer determines that an employee's performance can be completely discounted as a contributing factor to the accident.

Examples

- *The second car operator would not have to be tested for a vehicle accident caused exclusively by the operator of the lead car, who was operating the train.*
- *Both operators would have to be tested if a person in the second car was hit by the doors which are operated by the second car operator, and is then struck by the train operated by the lead car operator.*

Other Possible Tests

Other employees who may have contributed must also be tested; for example, a dispatcher who routes two trains onto the same track, which then collide. In that situation, three persons would be tested: the two train operators and the dispatcher who routed the trains.



Post-Accident Testing Chart

Type of Accident (Associated with the Operation of a Vehicle)	Requirements for Coverage	Test Surviving Covered Employee operating the Vehicle at time of Accident?	Test Other Safety- Sensitive Employee?
Fatal (all types of vehicles)	None beyond loss of human life in accident	In all cases	<u>If</u> employer determines that Covered Employee's performance could have contributed to accident (includes Maintenance personnel)
Non-fatal (buses, vans, electric buses, or automobiles)	<u>Either</u> injury requiring immediate medical treatment away from accident scene <u>or</u> disabling damage to transit vehicle or other vehicle	<u>Unless</u> employer determines that Covered Employee's performance can be completely discounted as a contributing factor to the accident	<u>If</u> employer determines that Covered Employee's performance could have contributed to accident (includes Maintenance personnel)
Non-fatal (rail cars, trolley cars, trolley buses, or vessels)	<u>Either</u> injury requiring immediate medical treatment away from accident scene <u>or</u> mass transit vehicle is removed from revenue service	<u>Unless</u> employer determines that Covered Employee's performance can be completely discounted as a contributing factor to the accident	<u>If</u> employer determines that Covered Employee's performance could have contributed to accident (includes Maintenance personnel)



Post-Accident Drug and Alcohol Testing Questionnaire

1. DID THIS ACCIDENT INVOLVE A FATALITY? **YES or NO**
If "Yes," drug and alcohol tests are required of driver* and anyone else who could have contributed to the accident.

2. WAS THERE AN INJURY FOR WHICH THE INDIVIDUAL RECEIVED IMMEDIATE MEDICAL TREATMENT AWAY FROM THE SCENE? **YES or NO**
If "Yes," drug and alcohol tests are required of driver* and anyone else who could have contributed to the accident.

3. IF ACCIDENT INVOLVED A ROAD SERVICE VEHICLE (DIESEL BUS, VAN, AUTOMOBILE), WAS THERE DISABLING DAMAGE TO **ANY** VEHICLE (i.e., WAS ANY VEHICLE TOWED AWAY, INCLUDING NON-SFMTA VEHICLE)? **YES or NO**

"Disabling damage" means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated.

Disabling damage does not include:

- Damage which can be remedied temporarily at the scene of the occurrence without special tools or parts;
- Tire disablement without other damage even if no spare tire is available; or
- Damage to headlights, tail-lights, turn signals, horn, or windshield wipers that makes them inoperative.

If "Yes," drug and alcohol tests are required of driver and anyone else who could have contributed to the accident.

4. IF ACCIDENT INVOLVED A RAIL VEHICLE (LRV, TROLLEY BUS, CABLE CAR), DID THE RAIL VEHICLE HAVE TO BE REMOVED FROM SERVICE (EVEN IF IN THE YARD)?
YES or NO

If "Yes," drug and alcohol tests are required of driver* and anyone else who could have contributed to the accident.

5. CAN THE DRIVER'S PERFORMANCE BE COMPLETELY DISCOUNTED AS A CONTRIBUTING FACTOR TO THE ACCIDENT? **YES or NO**

If "Yes," explain why _____



SFMTA

Substance Abuse Program

If the answer to question 5 is "Yes," no test is required of a driver or operator, except in cases involving a fatality.

6. COULD ANY OTHER SAFETY-SENSITIVE EMPLOYEE HAVE CONTRIBUTED TO THE ACCIDENT (e.g. MECHANIC)? **YES or NO**

If "Yes," explain why _____

7. WAS TESTING PERFORMED WITHIN TWO HOURS AFTER THE ACCIDENT? **YES or NO**

If "No," explain why _____

8. IF THE ANSWER TO NO.7 IS "NO", WAS TEST PERFORMED WITHIN EIGHT HOURS AFTER THE ACCIDENT? **YES or NO**

If "No," explain why _____

*** The term "driver" includes an operator of a non-revenue vehicle if that operator is required to hold a commercial driver's license to operate the vehicle involved.**



Return-to-Duty and Follow-Up Testing

Before any Covered Employee can be allowed to return to duty to perform a Safety-Sensitive Function following a verified positive drug test, a positive breath alcohol test, a Refusal to Submit to a test, or engaging in conduct prohibited by the regulations regarding alcohol misuse, the employee must first be evaluated by a Substance Abuse Professional and pass the return-to-duty test. The return-to-duty and follow-up drug testing will be performed under Direct Observation as described in 49 CFR Section 40.67.

Return-to-Duty Testing equal to .04% Alcohol Test and/or Positive Drug Test

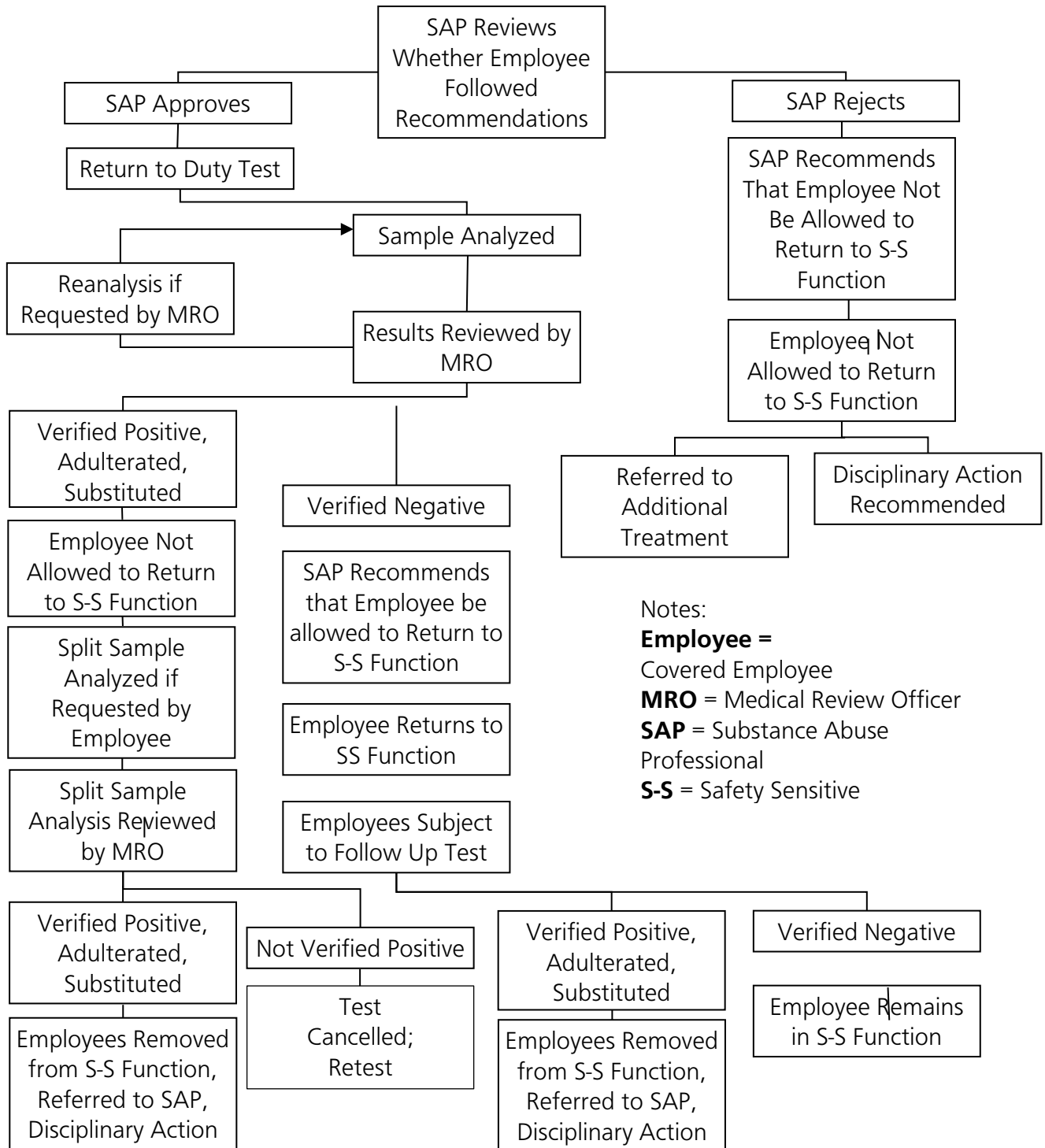
1. When the SAP determines that a Covered Employee is ready to return to Safety-Sensitive Duty after completing any recommended rehabilitation, the employee must take and pass a drug and alcohol return-to-duty test. If the return-to-duty test is positive or constitutes a Refusal to Submit to testing, it counts as a second positive. If the test result is Cancelled or Invalid, the employee will have to be retested.
2. SFMTA requests that the Covered employee notify the SAP 14 days in advance of his/her expected return-to-duty date. The SAP will schedule the employee for the follow-up evaluation and the return-to-duty test.
3. Discipline will be imposed consistent with applicable memoranda of understanding.

Follow-Up Testing

1. Once a Covered Employee returns to Safety-Sensitive Duty, he/she shall be subject to unannounced follow-up testing for at least 12 months, but not more than 60 months. The type, frequency and duration of the follow-up testing shall be determined by the SAP; however, a minimum of six tests shall be performed during the first 12 months after the employee has returned to duty. Follow-up testing does not exclude an employee from the random testing program. This means that an employee is subject to random testing as well as follow-up testing.
2. Follow-up testing prescribed while an individual was working for another employer must be continued by SFMTA if SFMTA elects to hire the individual.
3. If a Covered Employee tests positive on a follow-up test or Refuses To Submit to such testing, discipline will be imposed in accordance with applicable memoranda of understanding.



Process for Direct Observation Drug Testing

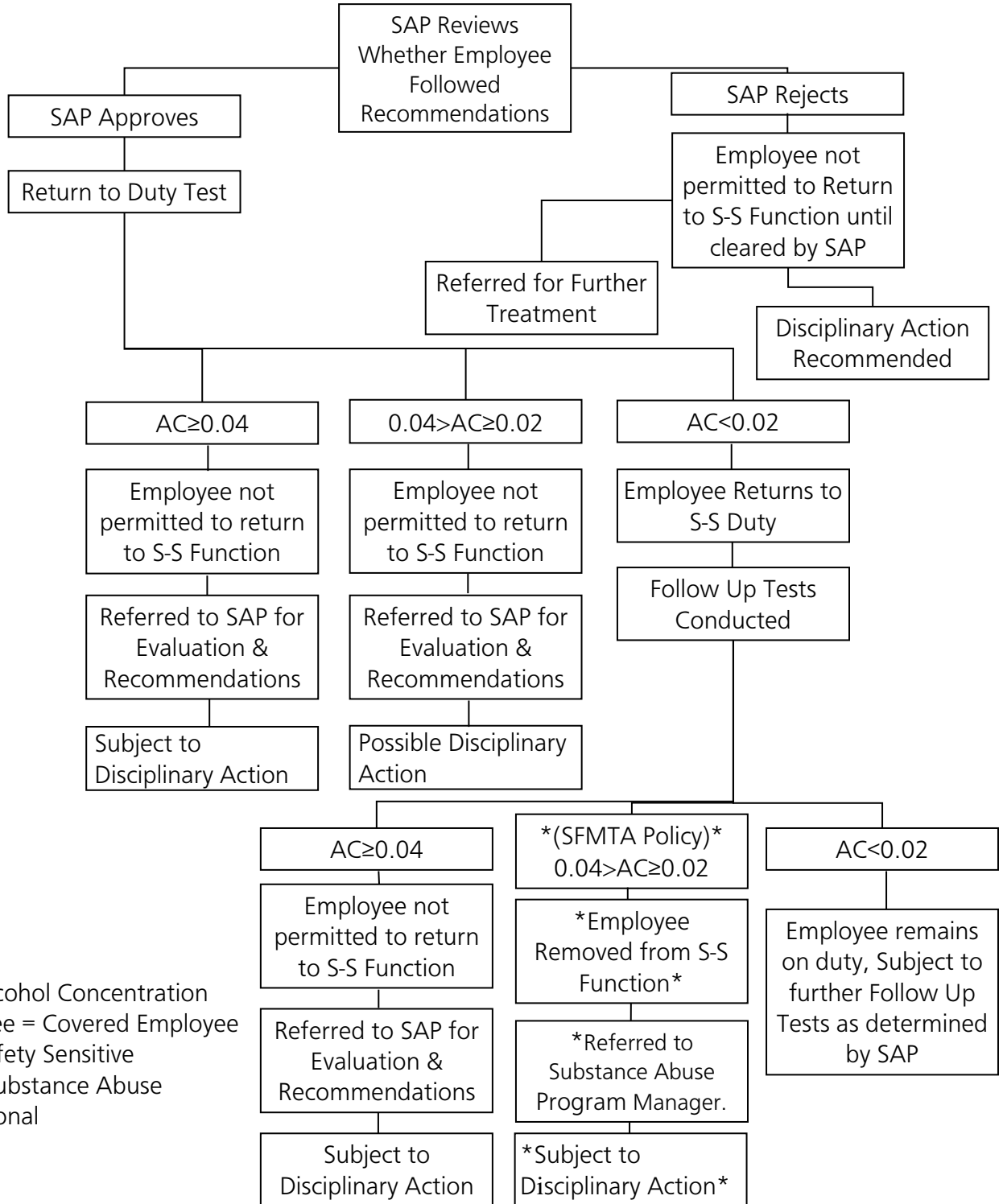




Substance Abuse Program

SFMTA

Process for Return-to-Duty and Follow-Up Alcohol Testing



Notes:
 AC = Alcohol Concentration
 Employee = Covered Employee
 S-S = Safety Sensitive
 SAP = Substance Abuse Professional



Pre-Employment Testing

1. The FTA regulations require that all applicants for employment in Safety-Sensitive positions, individuals being transferred to Safety-Sensitive positions from non-Safety-Sensitive positions, and employees returning from leaves over 90 days when out of the random pool must be given pre-employment drug tests prior to performing Safety-Sensitive Functions.
2. Applicants may not be hired or assigned to Safety-Sensitive Functions unless they pass the test (negative test result).
3. Applicants must be informed in writing of the testing requirements prior to conducting the test. SFMTA will require each applicant to sign a form acknowledging that they know that their urine will be tested for cocaine, PCP, amphetamines, marijuana, and opioids. Note: The form that they sign prominently displays the message **"YOUR APPLICATION WILL BE CONSIDERED INCOMPLETE IF THIS NOTICE IS NOT SIGNED AND DATED."** A testing history must be requested from previous employers for the two years prior to application.
4. The Human Resources Division will notify the Substance Abuse Program of the number of applicants to be tested and their anticipated start date. A minimum of five working days are required to set up testing appointments. The Substance Abuse Program notifies Human Resources of the scheduled date, time, and location for testing.
5. It is the responsibility of the applicant to report to the collection site at the time and day scheduled.
6. Drug tests will be administered by the SFMTA's service agents. Tests may be conducted at an off-site facility when prearranged by Human Resources.
7. If an applicant's test is determined to be Negative Dilute, Invalid or is Cancelled, the applicant must be retested.
 - If the applicant's initial test was negative dilute and the retest result is also negative dilute the applicant will not be hired and can reapply in 6 months.
8. The Substance Abuse Program will be notified of all testing results and these results will be immediately transmitted to Human Resources.
9. SFMTA has determined that applicants who Refuse to Submit to testing, or who test positive for drugs, will not be considered for a SFMTA Safety-Sensitive job for five years.
10. An applicant whose pre-employment test results are negative will continue through the hiring process for the Safety-Sensitive position.
11. An applicant must begin his or her Safety-Sensitive Function within 90 days of receipt of the test results by the employer. Delays beyond 90 days necessitate a new test. A verified negative pre-employment drug test must be received before the employee is placed on the payroll or permitted to perform Safety-Sensitive Functions. The applicant must also receive any required orientation and training before performing such work.



Transfer Testing

1. An employee who is being considered for transfer to a Safety- Sensitive position from a non-Safety-Sensitive position will be required to undergo a drug test.
2. An employee with a confirmed positive, Adulterated, or Substituted drug test, as certified by the MRO, will be disqualified from immediate transfer and referred to the SAP. No discipline will be initiated as a result of the positive test.

An employee who tests positive or whose test is Adulterated or Substituted may reapply after six months if he/she has successfully completed the SAP recommendations.

If a transferred employee has not performed Safety-Sensitive Duties for 90 consecutive calendar days from the date of the pre-transfer drug test, and the employee has not been in the random selection pool during that period, the employee will be required to take another pre-employment drug test with a negative result.

Post-Leave Testing

If a Covered employee has been on leave status and has not performed Safety-Sensitive Duties for 90 consecutive calendar days or been in the random selection pool during that period, the employee will be required to take another pre-employment drug test before returning to his or her Safety-Sensitive Function.



Split Specimen Testing Procedures

1. At the time of collection, the urine specimen will be split and poured into two specimen bottles. One specimen (Primary Specimen) will contain at least 30 ml. of urine, and the other one (Split Specimen), a minimum of 15 ml. of urine.
2. Both specimens are sent to the DHHS-certified laboratory under contract with SFMTA, but only the Primary Specimen is analyzed. The Split Specimen is stored in case the Covered Employee requests that the Split Specimen be analyzed.
3. The Covered Employee has the option of having an analysis of the Split Specimen if his or her test result is positive, Adulterated, or Substituted. The Split Specimen analysis is performed at a separate DHHS-certified laboratory.
4. The Covered Employee has 72 hours after being notified by the Medical Review Officer (MRO) of a verified positive to request a test of the Split Specimen. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.
5. The Covered Employee must notify the MRO that he/she wants to test Split Specimen.
6. The Covered Employee may designate a DHHS-certified laboratory or request that the MRO identify a separate DHHS-certified laboratory.
7. Pursuant to past SFMTA practice, laboratory fees are the responsibility of the Covered Employee.
8. For a positive drug test - If the second DHHS-certified laboratory identifies the presence of the drug(s) (without regard to cutoff concentrations), the Split Specimen will be considered "Reconfirmed." If the test fails to reconfirm the presence of the drug(s), the second laboratory will then conduct validity testing. If the second laboratory fails to confirm the presence of the drug(s) and adulterants, the test will be Cancelled. The MRO will report a reconfirmed test or a test that fails to reconfirm to the employee and SFMTA. A split test that fails to reconfirm will also be reported to DOT.
For an Adulterated or Substituted test – If the second laboratory reconfirms the Adulteration or Substitution, the original test result will remain the same. If the laboratory fails to reconfirm, the test will be Cancelled.
9. If the Split Specimen is unavailable or appears insufficient for testing, the MRO will Cancel the test. This applies to all test results that are being challenged – drug positives, Adulterations, and Substitutions. If the test is Cancelled for this reason, the MRO will direct the DER to send the employee for another test that will be performed under direct observation. No advance notice will be given to the employee.