



2817 Canal Street
New Orleans, LA 70119

New Orleans Regional Transit Authority
Operations & Administration Committee
Meeting Agenda - Final

Thursday, December 7, 2023

9:00 AM

RTA Board Room

The New Orleans Regional Transit Authority (RTA) hereby declares that, in accordance with La. R.S. 42:17.1 (A)(2)(a)-(c), a meeting will be held in person on Thursday, December 7, 2023 at 9:00 a.m. Please be advised that mask wearing is encouraged inside the boardroom.

Written comments on any matter included on the agenda will be accepted in the following ways: 1) Submission of a Speaker Card on meeting day; 2) Electronically by email sent to: rtaboard@rtaforward.org prior to the meeting; or 3) By U.S. Mail send to 2817 Canal Street, Attention: Office of Board Affairs, New Orleans, LA 70119.

1. Call To Order

2. Roll Call

3. Consideration of Meeting Minutes

[Operations Committee Meeting - November 9, 2023]

[23-204](#)

4. Committee Chairman's Report

5. Chief Executive Officer's Report

6. Chief Transit Officer's Report

7. Chief Asset Manager Officer's Report

8. Chief Safety/Security Officer's Report

9. Outreach and Communication Strategy Presentation for the January 14, 2024 Service Changes

10. Authorizations

Amendment to the Drug and Alcohol Policy (HC23) [23-175](#)

Boardroom and Conference Room Use Policy (GEN5) [23-196](#)

11. Audience Questions & Comments

12. New Business

13. Adjournment



New Orleans Regional Transit Authority

2817 Canal Street
New Orleans, LA 70119

Board Report and Staff Summary

File #: 23-204

Board of Commissioners

[Operations Committee Meeting - November 9, 2023]



2817 Canal Street
New Orleans, LA 70119

New Orleans Regional Transit Authority Operations & Administration Committee

Meeting Minutes - Draft

Thursday, November 9, 2023

9:00 AM

RTA Board Room

The New Orleans Regional Transit Authority (RTA) hereby declares that, in accordance with La. R.S. 42:17.1 (A)(2)(a)-(c), a meeting will be held in person on Thursday, November 9, 2023, at 11:00 a.m. Please be advised that mask wearing is encouraged inside the boardroom.

Written comments on any matter included on the agenda will be accepted in the following ways: 1) Submission of a Speaker Card on meeting day; 2) Electronically by email sent to: rtaboard@rtaforward.org prior to the meeting; or 3) By U.S. Mail send to 2817 Canal Street, Attention: Office of Board Affairs, New Orleans, LA 70119.

1. Call To Order

2. Roll Call

Commissioners Present: Commissioner Neal, Commissioner DeFrancesch, Commissioner Ewell and Commissioner Sams

Other Commissioner Present: Commissioner Coulon

Present

Commissioner Maria DeFrancesch, Chairperson Fred Neal, Commissioner Joseph Ewell, and Commissioner Timolyn Sams

Absent

3. Consideration of Meeting Minutes

Commissioner DeFrancesch moved and Commissioner Ewell seconded to approve the Operations Administration Committee Meeting for October 17, 2023. The motion was approved unanimously.

A motion was made by Commissioner DeFrancesch, seconded by Commissioner Ewell and approved. The motion carried by the following vote:

Aye: Commissioner DeFrancesch, Chairperson Neal, Commissioner Ewell, and Commissioner Sams

Absent:

[Operations Committee Meeting - October 17, 2023]

[23-185](#)

4. Committee Chairman's Report

No Report.

5. Chief Executive Officer's Report

Lona Hankins presented the Service reliability Update. This report can be found in the Chief Executive Officers' PowerPoint Report dated November 9, 2023.

Lona Hankins reported that this Service Reduction will take place in mid-January and will stay in place until September when the new buses should be ready for service. It was reported that there was a total of 108 active buses the spare ratio was based on the 70 buses needed to run service. In response to a question from Commissioner DeFrancesch, Lona Hankins reported that staff was working on a way to give more accurate information to the public. Commissioner Ewell commented that he does not want the RTA to make promises related to bus schedules that can't be kept.

In response to a question from Commissioner Sams about bus delivery, Lona Hankins reported that the new buses are scheduled to arrive in June and it will take a couple of months to get the buses ready for service that is why the Service Reduction will stay in effect until September. To keep the public abreast of the process, both Commissioner Neal and Commissioner Sams requested that staff give updates on the bus assembly at the Operations and Administration Committee Meetings.

6. Chief Transit Officer's Report

Chris Clark presented the RTA's Chief Transit Officer's Report. This report can be found in the Chief Transit Officer's PowerPoint Report dated November 9, 2023.

In response to Commissioner Neal's question about passenger counts, Lona Hankins reported that the Ridership from September 2022 through September 2023 was done with the APC.

With respect to OTP, the CEO clarified a news comment about the Lakeview bus route was always on time. She explained that there is only one bus on that route compared to the Broad bus route that needs eight buses to deliver service. Lona Hankins further reported that staff uses ridership data to determine how many buses are needed on each line and included in that data was frequency, ridership, and the length of the line. Commissioner DeFrancesch stated that it was very important for the RTA to give the correct information to the public.

In response to a question from Commissioner Sams regarding fleet size, Lona Hankins reported that the RTA's fleet size was 130 buses and staff plans on reducing those buses

to 108 for service. Commissioner Neal has asked staff to give to the Board its fleet procurement strategy going forward, and this strategy needs to show when the older vehicles will come out of service and be replaced with new vehicles. Lona Hankins further reported that buses should be replaced every 12 years. Commissioner Neal stated that the public needs to be made aware of the process when replacing the old buses and that he would like to attend one of the morning pullouts if another chance to observe is scheduled.

In response to Commissioner Sams question regarding outreach, Lona Hankins reported that the disconnect with the riders in technology for example is when the app shows a ghost bus and it disappears on the app it is because the bus broke down and was taken out of service and once a bus is taken off the line for repairs the RTA does not know how long that bus is going to be out of service. Commissioner Ewell stated that the public needs to be made aware when buses are arriving once a broken bus is taken out of service on any route.

7. Chief Asset Manager Officer's Report

Ryan Moser presented the RTA's Chief Asset Manager Officer's Report. This report can be found in the Chief Transit Asset Manager Officer's PowerPoint Report dated November 9, 2023.

Ryan Moser stated that the pilot program that staff was currently using to help with diagnostics of the engines on 20 buses and this Project comes out of the Maintenance Budget. Ryan Moser also stated that one of the 2012 New Flyer Buses was in an accident and that bus was taken out of service. Ryan Moser stated that one of the 2012 New Flyer Buses was in an accident and that bus was taken out of service.

Commissioner Neal stated that he would like to talk with staff about adding Streetcar Service on the weekend.

8. Chief Safety/Security Officer's Report

Mike Smith presented the RTA's Chief Safety/Security Officer's Report. This report can be found in the Chief Safety/Security Officer's PowerPoint Report dated November 9, 2023.

9. Audience Questions & Comments

None.

10. New Business

Commissioner Neal stated that the RTA was planning to build Mobility Hubs and the Downtown Transfer Center will have real time data installed for the riders.

11. Adjournment

Commissioner DeFrancesch moved and Commissioner Ewell seconded to adjourn the Operations and Administration Committee Meeting. The motion was adjourned unanimously.

A motion was made by Commissioner DeFrancesch, seconded by Commissioner Ewell and adjourned. The motion carried by the following vote:

Aye: Commissioner DeFrancesch, Chairperson Neal, Commissioner Ewell, and Commissioner Sams

Absent:

[11.09.23 Ops PowerPoint Presentation]

[23-194](#)



New Orleans Regional Transit Authority

2817 Canal Street
New Orleans, LA 70119

Board Report and Staff Summary

File #: 23-175

Operations & Administration Committee

Amendment to the Drug and Alcohol Policy (HC23)

DESCRIPTION: Revise the agency's existing Drug and Alcohol Policy per FTA regulations.

AGENDA NO: Click or tap here to enter text.

ACTION REQUEST: ☒ Approval ☐ Review Comment ☐ Information Only ☐ Other

RECOMMENDATION:

To authorize the Chief Executive Officer to execute and disseminate an amendment to the Drug and Alcohol Policy.

ISSUE/BACKGROUND:

In response to the FTA audit findings, the Drug and Alcohol Policy was revised to reflect the mandated changes. The purpose of the policy is to help RTA employees to understand FTA and RTA regulations. The policy was written clearly and easily accessible for all employees to follow. Policies describe a course of action and create a starting point for change.

DISCUSSION:

On January 24, 2023, the Drug and Alcohol Department, was visited, for a week full of audit reviews pertaining to the policy and programs processes. This audit was heavily engaged with the FTA auditors to ensure a compliant Drug and Alcohol Policy. This updated policy follows FTA regulations, standards, and rules. In addition, will help support the employees, educate and safeguard the company from any safety violations, and safe riding experiences for our customers.

FINANCIAL IMPACT:

Adoption of the RTA agency policy has no direct impact on RTA's expenditures or revenues. Providing this updated policy will assist in safeguarding future financial risks associated with following safety-sensitive FTA protocols and our company procedures.

NEXT STEPS:

Upon the Board of Commissioners' approval, the HR Department will distribute the final copy of the policy globally. Making sure that all employees performing safety-sensitive tasks are aware of the policy change.

ATTACHMENTS:

1. Drug and Alcohol Policy (HC23) with tracked changes
2. Drug and Alcohol Policy (HC23) Final Draft
3. FTA Drug and Alcohol Policy Findings
4. FTA Letter of RTA Audit completion
5. Resolution

Prepared By: Shalome Jenkins
Title: Drug and Alcohol Program Administrator

Reviewed By: Mark Major
Title: Deputy CEO



Lona Edwards Hankins
Chief Executive Officer

12/4/2023

Date

Drug and Alcohol Free Workplace

(HC23)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is dedicated to maintaining a workplace environment free from the effects of illegal drugs or alcohol to protect the health and safety of our employees, citizens and visitors. To promote this goal, all employees must report to work in a condition to perform their very best. By doing so, we will ensure a working environment that remains safe and productive. RTA is focused in continuing to create a workplace free of substance abuse without jeopardizing valued employees' job security. In addition, RTA has developed a Second Chance / Last Chance Policy regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interests of all employees covering the RTA transit system. (Refer to Section 113 and APPENDIX#45)

Refer to the Contact Section-Phone List for the Drug and Alcohol Program Administrator (DAPM) / Designated Employer Representative (DER) for RTA (See APPENDIX #3).

In meeting this goal and expectation, it is our policy to:

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

This Drug and Alcohol-Free Workplace Policy strengthens and reaffirms our commitment to the safety of our customers and employees. RTA holds all employees accountable in terms of substance use but also supports substance abuse assistance for employees. In addition, it confirms our dedication to maintaining a drug and alcohol-free workplace by enforcing a drug and alcohol-free workplace policy that is consistent with safety, accountability, and high expectations.

PURPOSE

The purpose of this policy is to share RTA's philosophy and procedures for maintaining a drug and alcohol-free workplace. It provides a process for conducting screening of job applicants and employees for illegal drugs, improper use of prescription drugs, and



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alcohol. In addition, it is intended to ensure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. -An employee who receives a positive drug screening test result may lead to disciplinary action up to and including termination. Refer to HC17 RTA Termination of Employment Policy.

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect New Orleans Regional Transit Authority's Policy. These additional provisions are identified by **bold text to represent RTA's Company Policies and Standards. Policy Standards.**

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All New Orleans Regional Transit Authority employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify RTA's Drug and Alcohol Department no later than five days after such conviction.

This policy is also intended to comply with the New Orleans Regional Transit Authority (RTA) testing authority and all applicable United States Department of Transportation (USDOT) regulations 49 CFR Parts 382, 655, and 40. Part 382 requires employers to test for illegal use of controlled substances and misuse of alcohol for drivers who are required to obtain or maintain a commercial driver's license (CDL). Part 655 requires that transit employees who maintain, operate, or control the movement of transit vehicles be tested for controlled substances and alcohol. Part 40 sets standards for collection and testing of urine and breath specimen. ~~In addition, 49 CFR Part 29 requires the establishment of~~

~~drug-free workplace policies and the reporting of certain drug-related offenses to the USDOT.~~

Moreover, in relation to the third party operation of RTA's ferry service, this policy is also intended at providing oversight over the operation's contractual obligations and compliance with the Chemical Testing Program regulations (46 CFR Parts and 16:33 CFR PART 95; and 49; CFR Part 40). As published by the U.S. Coast Guard ("USCG") and the USDOT, and as interpreted by the USCG'S "Marine Employee Drug Testing Guidance".

This policy ensures that all testing is conducted in a manner that protects the rights of employees and applicants subject to testing.

RTA takes all necessary steps to safeguard the dignity of those being tested and ensures adherence to all procedures pertaining to the implementation of this policy. RTA adheres strictly to all standards of confidentiality and ensures that testing records and results are released only to those authorized to receive such information.

RTA contracts the services of a Substance Abuse Professional (SAP) through its Employee Assistance Program (EAP). Employees can inquire through Human Resources to connect with a Care Coordinator. The Care Coordinator will make an assessment and refer the employee to a qualified SAP as mandated by the USDOT, when applicable. Refer to HC23 RTA Employee Assistance Program Policy.

The employee should complete the attached "Employee Notification and Acknowledgement" form upon receipt of a copy of this policy. Employees who are under the age of 18 must provide a parent/guardian signature for participation in RTA's Drug and Alcohol Free Workplace Program as a condition of employment.

Please contact the designated Drug and Alcohol Program Administrator (DAPA) should you have questions about this policy. SEE APPENDIX #3

APPLICATION

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service

- Carrying a firearm for security purposes

A volunteer is a covered employee if:

- (1) the volunteer is required to have a commercial driver's license to operate the vehicle; or
- (2) the volunteer performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred

DRUG AND ALCOHOL DEPARTMENT CONTACT INFORMATION

New Orleans Regional Transit Authority has a Drug and Alcohol Department that is able to assist with all questions and concerns. You may contact the department 24 hours for accident issues, safety concerns related to drug use, reasonable suspicion and emergencies to self-report.@ 504-827-8375.

See **APPENDIX #2** ~~ttachment A~~ ff for a list of covered positions by job title. .

~~This policy applies to candidates for employment and all RTA employees who are incumbents in safety sensitive positions, employees transferring to a safety sensitive position, non safety sensitive positions, and contractors who perform safety sensitive job functions. Some job functions within the organization are considered USDOT covered safety sensitive.~~ Employees serving in designated positions that host covered safety-sensitive functions are also required to meet guidelines set by the USDOT, Federal Transit Administration (FTA), the Federal Motor Carrier Safety Administration (FMCSA), and RTA.

ADOPTED BY:

The RTA Board of Commissioners on 1209/1427/2023, Resolution 22-070.

APPROVED BY:

Lona Edwards Hankins
Alex Z. Wiggins
Chief Executive Officer

Effective Date: 2/23/2021
~~TBD~~ Date of Last Review: 9/27/2022

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Under FTA, a Regional Transit Authority employee is performing a safety-sensitive function if:

- *Operating a revenue service vehicle, whether or not such vehicle is in revenue service.*
- *Controlling dispatch or movement of a revenue service vehicle.*
- *Maintaining a revenue service vehicle or equipment used in revenue service. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment.*
- *Operating a non-revenue service vehicle when required to be operated by a holder of a CDL.*
- *Carrying a firearm for security purposes.*
- *Supervising, where the supervisor performs any functions listed above.*

Under FMCSA, an employee is performing a safety-sensitive function if they are:

- *Driving a commercial motor vehicle which requires the driver to have a CDL.*
- *Inspecting, servicing, or repairing any commercial motor vehicle.*
- *Waiting to be dispatched to operate a commercial motor vehicle.*
- *Performing all other functions in or upon a commercial motor vehicle.*
- *Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded.*
- *Performing driver requirements associated with an accident.*
- *Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.*

In addition to being subject to all other elements of this policy, employees who perform "safety-sensitive functions" for (RTA), as that term is defined in 49 CFR 655.4, are subject to random drug and alcohol testing and other special requirements set forth in this policy. Generally, a safety-sensitive function occurs when an employee is performing, ready to perform, or immediately available to perform such function.

Under RTA's direction, an employee is performing a safety-sensitive function if:

- RTA has a compelling need on the basis of safety to ascertain on the job impairment on the part of employees who hold the position.
- Such a compelling need may arise where the duties of a position creates or are accompanied by such a great risk of injury of such magnitude to self, other persons or to property that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

The Regional Transit Authority has evaluated the actual duties performed by employees in all job classifications and determined which employees perform covered safety-sensitive functions. A list of identified safety-sensitive positions is included in this policy. Any new job classification will be assessed to determine if the new position is to be considered safety sensitive under the RTA or USDOT authority. RTA will review job classifications from a safety-sensitive perspective triennially.

1.0 PROHIBITED SUBSTANCES/BEHAVIOR

Prohibited substances addressed by this policy include the following:

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All FTA-covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All FTA-covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All FTA-covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All FTA-covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.



4.1 ~~ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS~~

~~The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration (DEA) or the U.S. Food and Drug Administration (FDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs not prescribed to the employee, and use of illegally obtained prescription drugs. Covered employees may be tested for these prohibited drugs anytime they are on duty.~~

~~Under 49 CFR 655.21, all safety-sensitive employees will be tested for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random and return-to-duty/follow-up. The following drugs must be tested for in each urine specimen: marijuana; cocaine; amphetamines, including ecstasy; opiates; and phencyclidine. Illegal consumption of these products is prohibited at all times.~~

~~Regional Transit Authority employees must be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Regional Transit Authority safety-sensitive employees under the RTA's direction must be tested for cocaine, amphetamines, barbiturates, benzodiazepine, marijuana, opioids, phencyclidine, propoxyphene and methadone.~~

1.12 LEGAL DRUGS

The appropriate use of legally-prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before performing safety-sensitive work-related duties. ~~An employee using over-the-counter drugs that may adversely affect his/her ability to perform safety-sensitive duties is strongly urged to seek and obtain medical advice prior to using.~~

~~A legally-prescribed drug means that an employee has an individual prescription or other written approval from a physician for the use of a drug in the course of medical treatment.~~ The misuse or abuse of legal drugs to include drugs prescribed to someone else while performing New Orleans Regional Transit Authority business is prohibited. For USDOT drug testing, if the Medical Review Officer (MRO) determines that an employee has a legitimate medical reason for the presence of a prohibited drug in their urine specimen, the (MRO) will report the test result as negative to RTA. However, the MRO may also medically disqualify an employee from performing

safety-sensitive duties because of medication use. For further information, see 49 CFR 40.135(d).

~~The use of medical marijuana or legalized marijuana from another state is considered a violation of this policy.~~

~~4.3 ALCOHOL~~

~~The consumption/use of beverages containing alcohol or alcohol-infused substances including any medication, food, candy, or any other product such that alcohol is present in the body while performing any duty or any RTA business, regardless of safety-sensitive function is prohibited. **Employees who hold safety-sensitive positions must not consume alcohol eight hours prior to the beginning of their shift, while on call, and while performing safety-sensitive functions.**~~

~~5.0 PROHIBITED CONDUCT~~

~~5.1 MANUFACTURE, TRAFFICKING, POSSESSION, AND USE~~

~~Pursuant to the Drug-Free Workplace Act of 1988, all RTA covered employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances at all times. An employee who violates this provision will be subject to discipline up to and including termination. Law enforcement will be notified, as appropriate, where criminal activity is suspected.~~

~~5.2 INTOXICATION~~

~~Any RTA employee covered under this policy who is reasonably suspected of being intoxicated, impaired, or not fit for duty shall be immediately removed from safety-sensitive duties pending an investigation and verification of condition. An employee who violates an illegal drug provision will be disciplined up to including termination.~~

~~An employee who violates an alcohol provision may be subject to discipline up to and/or including termination. Law enforcement will be notified, as appropriate, where criminal activity is suspected. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.~~

~~2.03 ALCOHOL AND DRUG USE~~

Under 49 CFR 655.31, covered FTA-designated safety-sensitive employees will be tested for drugs and/or alcohol in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return-to-duty/follow-up. All safety-sensitive applicants and transfers into safety-sensitive positions will also be pre-

employment tested for drugs. In addition, RTA ~~requirements-Policy involves~~ non-safety-sensitive employees ~~to be~~ subject to a non-USDOT post-accident or reasonable suspicion test will be tested.

No employee shall report for work or remain on duty while having an alcohol concentration of 0.04 or greater. For covered USDOT safety-sensitive employees, a breath alcohol concentration of 0.04 or greater shall be prohibited to perform any safety-sensitive function.

Section 655.31(b) "Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function."

~~RTA employees, to include designated USDOT safety-sensitive employees, are prohibited from alcohol consumption while on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No covered safety-sensitive employee shall consume alcohol within eight (8) hours of reporting for duty, or during the hours they are on call.~~

All employees, to include USDOT (FTA ~~and FMCSA~~) safety-sensitive employees, are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. The employee must acknowledge the use of alcohol and the inability to perform his/her safety sensitive function anytime they are called to duty to perform a safety-sensitive function. Any covered safety-sensitive employee who acknowledges the consumption of alcohol but indicates that they are fit to perform their safety-sensitive function must first take an alcohol test showing an alcohol concentration of less than 0.02.

Any RTA employee, to include designated FTA safety-sensitive employees, with a confirmatory breath alcohol test result of 0.02 or greater but less than 0.04 will be relieved from performing safety-sensitive functions for eight (8) hours or until retesting below 0.02, whichever occurs first. The employee will be subject to discipline. A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and in violation of this policy and the requirements in 49 CFR Part 655 for safety-sensitive employees.

Any RTA employee designated FMCSA safety-sensitive with a confirmatory breath alcohol test result of 0.02 or greater but less than 0.04 will be relieved from performing safety-sensitive functions for at least 24 hours and subject to disciplinary action up to and/or including termination.

~~The consumption/use of beverages containing alcohol or alcohol-infused substances including any medication, food, candy, or any other product such~~

that alcohol is present in the body while performing any duty or any RTA business, regardless of safety-sensitive function is prohibited. Under the direction of RTA's company policy, employees who hold safety-sensitive positions must not consume alcohol 8 hours prior to the beginning of their shift, while on call, and while performing safety-sensitive functions.

2.14 COMPLIANCE WITH TESTING REQUIREMENTS

All RTA safety-sensitive employees will be subject to urine drug testing as a condition of employment. (If 49 CFR 40.67 is amended to include oral fluid specimen testing the RTA will allow oral fluid testing exclusively for post-accident, reasonable suspicion, shy lung and shy bladder protocol). Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately and subject to disciplinary action up to and including termination. *Observed collections will be conducted as outlined under Section 6.1 of this policy and in compliance with 49 CFR 40.67.* A medical review officer (MRO)-verified adulterated or substituted drug test result will result in termination and the covered employee shall be provided contact information for a qualified Substance Abuse Professional~~SAP~~.

All employees and applicants must follow the collection procedures outlined below for specimen identification.

- A. At the collection site and prior to providing a specimen, the applicant/employee must provide a photo identification (such as a valid driver's license, work ID, passport, or other)
- B. Applicant/employee must present to the collection site representative:
 - 1. An appointment form (Drug Test Authorization Form); and
 - 2. The chain of custody form. The collection site representative must complete the chain of custody form.
- C. Applicant/employee must initial the seals on the specimen containers after the seals have been applied to the specimen containers.
- D. *All employees are required to go for a drug/alcohol testing immediately upon notification. Any employee, who fails to go to the testing center (except for pre-employment testing) within a reasonable time, as determined by New Orleans Regional Transit Authority, will be subject to disciplinary action up to and including termination. All employees who refuse to go for a drug test will be disciplined up to including termination. Employees cited for alcohol use are subject to disciplinary action up to and including termination.*

3.0 TEST REFUSALS

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety sensitive functions and referred to a credentialed Substance Abuse Professional and or termination from duties. Being referred to a Substance Abuse Professional does not guarantee immediate access to RTA's Second Chance Last Chance Program.

Refusals to test are listed in 49 CFR Part 40 (as amended): 49 CFR 40.191 (as amended) for drug tests, and 49 CFR 40.261 (as amended) for breath tests. An up-to-date copy of 49 CFR Part 40 is available upon request.

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



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

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

~~The following additional circumstances constitute a test refusal and verified positive by an applicant/employee:~~

- ~~• Failing to remain at the testing site until the testing process is complete (for pre-employment testing, the testing process does not begin until the donor receives the specimen collection cup for the drug test;~~
- ~~• Failing to provide a urine and/or breath specimen for any USDOT required drug and/or alcohol test (for pre-employment testing, the testing process does not begin until the donor receives the specimen collection cup for the drug test or the mouthpiece is selected for the breath alcohol test);~~
- ~~• Failing to sign the certification at Step 2 of the Alcohol Test Form;~~
- ~~• Failing to allow a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the employee provision of a specimen; Failing to follow instructions under direct observation related to raising cloths above waist, lowering clothing and under garments, turning around or related actions;~~
- ~~• Failing to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;~~
- ~~• Failing to take a second test that RTA or the collector has directed the employee to take;~~
- ~~• Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process of "shy bladder";~~
- ~~• Failing to cooperate with any part of the testing process (e.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process);~~
- ~~• Possessing or wearing a prosthetic or other device that could be used to interfere with a collection process~~
- ~~• Admitting adulteration/substitution to the collector or MRO and/or a MRO-verified adulterated or substituted drug test result.~~
- ~~• For pre-employment, NOT a refusal: Failure to remain at site prior to start of test, aborting collection before test commences.~~

Testing Criteria:

- Drug testing can be performed any time a safety-sensitive employee is on duty.
- Reasonable suspicion, random and follow-up alcohol testing can only be performed when a safety-sensitive employee is actually performing a safety-sensitive duty, just before, or just after the performance of a safety-sensitive duty.
- Under New Orleans Regional Transit Authority and USDOT, reasonable suspicion testing can only be performed by authorized officials when articulable behaviors and characteristics are documented and suggest probable drug and/or alcohol use.

3.15-65 VOLUNTARY TREATMENT OPPORTUNITY

Under RTA's direction policy, all RTA employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under the RTA's direction policy, any employee who has a drug and/or alcohol use problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the company's Drug and Alcohol Program Administrator. Once the employee comes forth, the DAPA will assist in referring the individual to a substance abuse counselor for evaluation and treatment. Or, the employee may utilize the EAP benefits if applicable. This action must be taken before a disciplinary matter develops and/or before notification for a required test, will be subject to return-to-duty and follow-up testing under RTA direction (using non-USDOT testing paperwork). The purpose of the return-to-duty testing is to provide a degree of assurance that the employee is drug and alcohol free, i.e., the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse. However, employees may be subject to additional random testing under RTA's authority in efforts to make sure the employee upholds their sobriety.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a substance abuse/misuse rehabilitation program facilitated through the support and direction

of RTA's Drug and Alcohol Program Administrator DAPA esignated Employee Representative (DER) and their combined recommendations.

~~who voluntarily discloses a substance abuse problem before a disciplinary matter develops and/or before notification for a required test, will be subject to return-to-duty and follow-up testing under RTA direction (using non-USDOT testing paperwork). The purpose of the return-to-duty testing is to provide a degree of assurance that the employee is drug and alcohol free, i.e., the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse.~~

The employee must be referred to the RTA's EAP and evaluated by a credentialed verified Substance Abuse Counselor and pass a return-to-duty test. A return-to-duty test will include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions. Once returned and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of follow-up testing from the EAP/substance abuse counselor.

Any RTA employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty testing will be subject to termination pending the outcome of a pre-termination hearing. The cost of any treatment or rehabilitation services will be paid for by the employee directly or by their insurance provider if applicable. Employees will be allowed to take accumulated sick leave, ~~and~~ vacation leave and PTO to participate in the prescribed rehabilitation program if they have enough of these benefits built in the system. Any follow-up testing will be apart and in addition to participation in the random testing program per RTA'S policy. (Refer to the bold text for RTA's policy).



~~5.6 NOTIFYING RTA OF CRIMINAL DRUG CONVICTIONS~~

~~Under the Drug Free Workplace Act, all employees are required to notify the RTA of any criminal drug statute conviction, for a violation occurring in the workplace, within five (5) days after such conviction. Failure to comply with this provision may result in termination. The RTA will notify USDOT of any covered employee criminal drug statute conviction within ten (10) days of notification of the conviction.~~

~~5.7 PROPER APPLICATION OF THE POLICY~~

~~RTA is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination of employment.~~

~~5.8 CONFIDENTIALITY~~

~~RTA affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential file that will be kept under the control of the DAA. The reports or test results may only be disclosed without the employee's consent when:~~

~~The information is compelled by law or by judicial or administrative process arising from the results of a drug or alcohol test under CFR 49 Part 655; and/or
The results have been placed at issue in a formal dispute between the employee and employer.~~

~~In all other cases the employee must sign a separate release every time substance testing information is to be disclosed. The employee must sign releases anytime information is to be released to the employee, subsequent employers, and to any other third party designated by the employee.~~

~~All records will be maintained in accordance with 49 CFR Parts 40 and 655.~~

~~3.2 10 TESTING PROCEDURES~~

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.



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The RTA contracts with an outside vendor to provide certified U.S. Department of Health and Human Services (DHHS) collection sites and to monitor each site for compliance with USDOT standards. The vendor provides services relative to the Maintenance of a Drug and Alcohol-Free Workplace Policy including the provision of the MRO services. ~~The vendor names the MRO, who shall be a certified medical doctor.~~

Urine drug testing and breath testing for alcohol may be conducted under the RTA's authorization, using non-Federal forms, or as required by federal regulations.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the DHHS. All testing will be conducted consistent with the procedures in 49 CFR Part 40, as amended. Copies of 49 CFR Part 40 is available for review by employees by contacting the DER. An electronic version of 49 CFR Part 40 is also available for download at the Office of Drug and Alcohol Policy and Compliance website (<https://www.transportation.gov/odapc/part40> <http://www USDOT.gov/odapc/part40>).

~~The collection procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result. USDOT regulations only permit urine testing for the following five (5) drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a Federal Drug Testing Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen.~~

~~For those specimens with non-negative initial drug screen results, confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) testing will be performed. The test will be considered positive if the amounts present are above the minimum threshold established in 49 CFR 40.87.~~

All drug testing laboratory results will only be reported to a MRO. A MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test. Before verifying that an employee has a positive test result, the MRO is responsible for contacting any such employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate medical explanation for the positive test result.

An employee who has a MRO-verified positive for an illegal drug use will be subject to discipline up to and including termination. We are a Second Chance Last Chance Organization but reserve the right to make decisions based on a host of factors which will be on an individual basis. **An RTA covered USDOT safety-sensitive employee who**



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test positive for alcohol or who refuses a drug or alcohol test will be removed from any safety-sensitive function, placed on administrative leave without pay and disciplined **or up to termination**, according to section 13 of this policy. Additionally, positive test results will be submitted to the Louisiana Office of Motor Vehicles, or appropriate licensing entity of the jurisdiction in which the employee is licensed, in accordance with State and Federal laws. Additionally, positive test results will be submitted to the Louisiana Office of Motor Vehicles, or appropriate licensing entity of the jurisdiction in which the employee is licensed, in accordance with State and Federal laws.

The MRO will subsequently review the employee's medical history/medical records and conduct a verification interview to determine whether there is a legitimate medical explanation for a positive, substituted or adulterated laboratory result. If no legitimate medical explanation exists to explain the test result, the test will be verified positive, and/or refusal to test because of adulterated or substitution and reported to the designated employer representative (DER).

If the MRO determines that an employee has a legitimate explanation for a positive test result, the MRO will report the test result as negative. The MRO's designee may make the initial contact with the employee to set-up an appointment to speak with the MRO, but only the MRO is permitted to discuss the test result with the employee. If, after reasonable efforts, the MRO or MRO representative and RTA are unable to reach the employee directly, the MRO may render a final determination of positive without review.

Under the New Orleans Regional Transits Authority, An employee terminated based on a confirmed positive/split specimen may appeal his/her termination directly to the Chief Human Resources Officer. The appeal must be in writing and submitted within **fiveten (510)** days from the date of termination or the date the employee is aware of the termination. (Note: Since the MRO will have determined a test positive, adulterated, or substituted, the Human Resources Department will not typically be in the position of disputing the findings of the MRO).

RTA Employees terminated based on a finding of obstruction will not be considered for future employment with New Orleans Regional Transit Authority the RTA prior to two (2) years. After the 2 year mark it is still under the discretion of RTA's authority, if that person will and can be considered for future hiring. This determination is based on the safety of our customers and we reserve the right to make careful decisions when it pertains to previous drug and alcohol offenses. If hired the employee will need to be on an extended probationary period up to twelve (12) months or beyond. In addition, the employee must be willing to complete the return to duty process as well as any other FTA mandated processes at their own expense.



3.3~~24~~ OBSERVED COLLECTIONS

Consistent with the requirements in 49 CFR 40.67, an immediate urine specimen collection under direct observation (by a person of the same gender) with no advance notice will be conducted ~~if any of the following situations occur:~~ **Please refer to DOT Rule 49 CFR Part 40 Section 40.67**

- ~~• The DHHS-certified laboratory reports to the MRO that a specimen is invalid and the MRO reports to RTA that there was no adequate medical explanation for the results;~~
- ~~• The MRO reports to RTA that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;~~
- ~~• RTA shall direct an employee to provide a urine specimen under direct observation for USDOT return-to-duty and follow-up drug tests;~~
- ~~• The collector must immediately conduct a collection under direct observation if they are directed by RTA to do so; or~~
- ~~• The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or~~
- ~~• The temperature of the original specimen provided was outside the acceptable temperature range of 90-100 degrees; or~~
- ~~• The original specimen appeared to have been tampered with; or~~
- ~~• The MRO directs RTA to conduct a second specimen collection under direct observation because the creatinine concentration of an applicant/employee initial specimen provided was equal to or greater than 2 mg/dL, but less than or equal to 5mg/dL.~~

3.4 ~~6.32~~ BREATH-ALCOHOL TESTING

Breath-alcohol testing will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained Breath-Alcohol Technician (BAT). ~~All breath-alcohol test results will be reported only by a MRO or BAT.~~ If the initial test indicates a breath-alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.

A covered safety-sensitive employee who has a confirmatory breath alcohol test result of 0.02 or greater will be immediately removed from safety-sensitive duties until the breath-alcohol concentration measures less than 0.02. Or, until at least eight hours is passed. **Under RTA jurisdiction, a safety-sensitive employee with a confirmatory breath alcohol test result with a concentration of 0.02 or greater, but less than 0.04 may also be suspended for up to 30 days five (305) days**

without pay, placed on six (6) month probation, and must go through and EAP referral with receipt.

A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and a violation of this policy and federal requirements in 49 CFR Part 655 (FTA-covered).

Upon any safety-sensitive employee's first occurrence of a confirmed positive drug test result; or a confirmatory breath alcohol test result of 0.04 or greater; or refusal to submit to a drug or alcohol test, will be immediately removed from their safety-sensitive position. **Under RTA's company policy employees will be, placed on indefinite administrative leave without pay and or up to termination** and referred to a SAP for assessment and referral in accordance with 49 CFR Part 40 as outlined in section 11.

Non-safety-sensitive employees are exempt from USDOT regulations included in this policy but are governed under the RTA's own policy and testing authority.

3.56.3 EMPLOYEE REQUESTED TESTING

Any employee, including USDOT (FTA and FMCSA) safety-sensitive employees, who question a positive adulterated or substituted test result of a required drug test identified in this policy may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. If an employee requests split sample testing, the split sample test will occur regardless of up-front payment, but the ***RTA reserves the right to seek reimbursement from the employees pay unless the result of the split sample testing invalidates the result of the original test.***

The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. Non-safety-sensitive employees are exempt under USDOT regulations, but the RTA's own policy authority regulates adherence.

3.66.4 PRE-EMPLOYMENT TESTING

Pre-employment drug tests are conducted after making a contingent offer of employment or transfer. A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.



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If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

~~All applicants to include candidates for USDOT (FTA and FMCSA) safety-sensitive positions or transfers from non-safety sensitive to safety-sensitive positions shall undergo urine drug testing (following procedures set forth in 49 CFR 655.41 and 49 CFR Part 40, Subparts C-I). Applicants/employees who are classified as non-safety sensitive employee will undergo oral testing. A negative result must be received by RTA prior to the applicant /employee beginning covered duty. If the pre-employment test is canceled for any reason, it must be retaken until a negative result is received.~~
Under the RTA's own authority, receipt by the RTA of a verified negative drug test is required as part of a pre-employment drug test prior to hire and before performance of a non-safety-sensitive function or safety sensitive function not regulated by USDOT.

A verified positive pre-employment drug test will disqualify an applicant for employment and they will be referred to a SAP. Any safety-sensitive applicant who undergoes a pre-employment test, but is not actually assigned safety-sensitive duties, and is not in the random selection pool, within 30 days from the date of the test, will have to retest with negative test results prior to the applicant's first performance of safety-sensitive duties.

Under RTA's authority, a non-USDOT pre-employment/pre-transfer test will also be performed any time an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position. ~~All safety-sensitive employees who have not performed a safety-sensitive function for 90 or more consecutive calendar days, regardless of the reason, and have been out of the random testing pool during that time period, must successfully pass a pre-employment drug test prior to performance of any safety-sensitive function.~~

An applicant who does not pass the drug test as required will not be considered for employment for a two-year (2) period following the date of the test. In



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addition must be able to provide a DOT/FTA approved Substance Abuse evaluation and be willing to complete the process of separate testing as prescribed by the SAP professional at their financial responsibility. This including other deciding factors based around the safety of our customers will not be solidified but on a case by case basis. Additionally, an applicant/employee who has previously failed or refused a USDOT test must show RTA evidence of having completed the referral and treatment/education process set forth by the USDOT at 49 CFR Part 40, Subpart O. USDOT return-to-duty and follow-up testing will then be carried out as discussed in **section 6.8** of this policy (return-to-duty and follow-up testing).

Results of split specimen testing:

- a. ~~Reconfirmed. Reconfirmed positive is reported as such. Reconfirmed substituted or adulterated is reported as a final result "refusal to test," which is treated as a reconfirmed positive.~~
- b. ~~Failed to reconfirm: Drug(s)/drug metabolite(s) not detected. Both tests canceled.~~
- c. ~~Failed to reconfirm: Adulteration or Substitution Criteria not met. Both tests canceled.~~
- d. ~~Failed to reconfirm: Specimen not Available for Testing. Both tests canceled and employee is directed to give another, immediate collection under direct observation, with no notice given to the employee.~~

Note: Any safety-sensitive employee or non-safety-sensitive candidate/employee that has a confirmed positive pre-employment drug test will not be hired. A first occurrence positive drug test will result in the employee being subject to discipline, in accordance to **section 13** of this policy.

3.76.5 REASONABLE SUSPICION TESTING TRAINING

All covered employees shall be subject to a drug and/or alcohol test when New Orleans Regional Transit Authority has reasonable suspicion 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 by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. This information shall be filled out and identified on the "Reasonable Suspicion Report Form."



Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing 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.

~~All covered employees shall be subject to a drug and/or alcohol test when RTA has reasonable suspicion 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 by a trained supervisor or other trained Agency official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. This information shall be filled out and identified on the "Reasonable Suspicion Report Form." Such Facts and interferences may be based upon, but not limited to, the following:~~

~~Direct observation substance abuse or of the physical symptoms or manifestations of being impaired due to substance use~~

~~Abnormal conduct or erratic behavior while at work or a significant deterioration work in normal performance~~

~~A report of substance use provided by a reliable and credible source~~

~~Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the premises of the employer or while operating the employer's vehicle with machinery or equipment~~

~~Causing or contributing to a workplace accident~~

~~Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing 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.~~

~~The supervisor requesting testing shall complete, explain in detail the circumstances and evidence warranting testing, and sign the "Reasonable Suspicion Report Form" at the time testing is requested, if feasible, but within 24 hours of testing in any event. If use is suspected, the employees will be transported to the collection site for testing. Under no circumstances shall the employee be permitted to drive if the employee appears to be impaired, disorientated or confused.~~

3.86.6 POST-ACCIDENT TESTING

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by New Orleans Regional Transit Authority using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by New Orleans Regional Transit Authority using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered 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.

~~All FTA safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an FTA accident with a public transportation vehicle~~



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~~(regardless of whether or not the vehicle is in revenue service). An accident defined by the FTA is an occurrence associated with the operation of a vehicle, and~~

- ~~• An individual dies (fatality);~~
- ~~• An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; OR~~
- ~~• Public transportation vehicle involved is a bus, electric bus, van or automobile; one or more vehicles including non-FTA funded vehicles incurs disabling damage as a result of the accident and the vehicle or vehicles are towed from the scene by a tow truck or other vehicle; OR~~
- ~~• Public transportation vehicle involved is a rail car, trolley car, trolley bus, or vessel, and the Public transportation vehicle is removed from operations.~~

Under The FMCSA authority, mandates that drug and alcohol tests must be conducted on any surviving drivers or other employee whose performance could have contributed to the accident if:

- The accident involved a fatality; OR
- The driver receives a citation under State or local law for a moving traffic violation arising from the accident; AND
- Any involved vehicle requires towing from the scene; OR
- Any person involved requires medical treatment away from the scene of the accident.

In addition to the thresholds, listed, under RTA's authority, any employee, to include safety sensitive supervisors and non-safety sensitive employees, involved in a vehicular or non-vehicular incident may be required to take a non-USDOT post-accident drug and alcohol test following an accident/incident. In this case, the accident or incident does not need to meet FTA or FMCSA defined thresholds.

~~If any one or more thresholds listed above is met, or otherwise if RTA deems appropriate under its authority, employees operating the vehicle at the time of the accident will be tested unless it is determined the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety sensitive employee whose performance could have contributed to the accident will also be tested. The decision regarding being "completely discounted" will be made by the supervisor on the scene based upon the best information available at the time of the incident.~~

~~Non-fatal accidents involving a bus, electric bus, van, or automobile must meet the definition of an accident for these types of vehicles to be considered an accident. For these types of vehicles, "removal from operation" is not a criterion for a post-accident test. Thus, employers that take a vehicle out of service without meeting the other criteria (i.e.,~~



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~~disabling damage or bodily injury that requires immediate medical treatment away from the scene) may not conduct a post-accident test under FTA authority. The portion of the definition that addresses "removal from operation" is the portion that deals only with vehicles on fixed guideways (i.e., rail car, trolley car, trolley bus) or vessels. The definition for these vehicles does not include disabling damage.~~

~~An "occurrence associated with the operation of a vehicle" means that the accident or incident must be directly related to the manner in which the driver applies the brake, accelerates, or steers the vehicle. Operation of a vehicle does not include operation of the lift. An accident could be the result of a collision with another vehicle or pedestrian or could be associated with an incident that occurs on the vehicle without any contact with another vehicle (i.e., a passenger falls on the bus due to the manner in which the vehicle was operated).~~

~~Vehicles covered under FTA authority include a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel that is used for mass transportation or for ancillary services. Ancillary services include non-revenue service commercial motor vehicles and vehicles used by armed security personnel. Thus, accidents involving supervisor or general manager vehicles that are not used to transport passengers do not meet this definition and do not justify an FTA post-accident test.~~

~~Following a covered accident, the safety sensitive employee will be tested as soon as possible. If the alcohol test is not administered within two (2) hours of the accident, the supervisor must prepare and maintain on file a "Post Accident" form stating the reason the test was not promptly administered. If an alcohol test was not administered within eight (8) hours following the accident, all attempts to administer the test must cease and the supervisor must document the reason on the "Post Accident" form.~~

~~All employees, to include USDOT (FTA and FMCSA) safety sensitive employees, must be tested within 32 hours of the accident for drug testing.~~

~~Any employee, to include USDOT safety sensitive employees involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee, to include a designated safety-sensitive employee, who does not remain available for testing or leaves the scene of the accident without a justifiable explanation prior to submission to drug and alcohol testing, will be considered to have refused the test and the employee will be terminated. A pre-termination hearing will also be provided. Employees tested under this provision will include not only the operator, but also any other covered employee whose performance could have contributed to the accident.~~

~~Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a safety sensitive employee from leaving the scene of an accident for a period necessary to obtain assistance in~~



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~~responding to the accident or to obtain the necessary emergency medical care. However, any employee under the above circumstance who fails to remain readily available for drug or alcohol testing (including notifying a supervisor of his/her location) or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused the test.~~

~~If RTA is unable to perform a USDOT or non-USDOT drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency,) may use drug and alcohol post-accident test results administered by State and local law enforcement officials (49 CFR Part 40). The State and local law enforcement officials must have independent authority for the test and RTA must obtain the results in conformance with State and local law.~~

3.96.7 RANDOM TESTING

The USDOT, FTA regulation (49 CFR 655.45) and RTA requires random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse 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. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

~~The USDOT, FTA regulation (49 CFR 655.45) and RTA require random unannounced testing for drugs and alcohol for all safety-sensitive employees. The selection of~~

~~safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced, unpredictable and spread throughout the year. Based upon RTA's business operations, random testing is conducted on all days and hours during which safety-sensitive functions are performed.~~

~~Under All USDOT (FTA and FMCSA), as well as RTA safety-sensitive employees, can be tested at any time for drugs during an employee's shift (i.e. beginning, middle, and end). Random alcohol testing may only be performed just before, during, or just after the actual performance of safety-sensitive functions.~~

Under RTA's authority, sSupervisors are required to proceed and transport employees immediately and directly to the collection site upon notification of their random selection. The failure to proceed immediately for testing or taking unreasonable time to report for testing, forewarning and employee and tampering with the testing process may result in disciplinary action, up to and including termination.

~~All USDOT-regulated safety-sensitive employees with a MRO-verified positive or non-negative on a drug or alcohol test upon their first occurrence shall be immediately removed from their safety-sensitive position, placed under administrative leave without pay, and referred to a SAP, in accordance with 49 CFR 655 See section 13.~~

4.06-8 RETURN TO DUTY AND FOLLOW-UP TESTING

4.1 RETURN TO DUTY TESTING

~~Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug test result and/or an alcohol test result of less than 0.02 RTA will ensure that the individual has completed a qualified Substance Abuse Professional's treatment/education requirements. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.~~

4.2 FOLLOW-UP TESTING

~~Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type~~



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(drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing 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. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

This testing is in addition to any required random, reasonable suspicion, post-accident and pre-employment testing. **Any follow-up breath-alcohol test result of 0.02 or greater will result in discipline up to and including termination per RTA Policy.**

~~An employee returning to duty after a positive drug and/or alcohol test result or refusal shall be required to undergo and pass a return to duty test. All return-to-duty tests shall be conducted under direct observation. Before allowing an applicant or covered employee who has tested positive for drugs to resume safety sensitive functions, RTA will ensure that the individual has completed a qualified Substance Abuse Professional's treatment/education requirements.~~

~~A return to duty breath alcohol test result of 0.02 or greater will be considered the second alcohol violation test within a five year period. The employee will be recommended for termination.~~

~~An employee who refuses a return-to-duty or follow-up test will be subject to discipline up to and including termination. Once an employee who is subject to the return-to-duty requirements above resumes the performance of safety-sensitive functions, RTA will ensure that they are subject to frequent unannounced follow-up drug and/or alcohol testing, as prescribed by the SAP.~~

~~Follow-up testing will include at least six (6) follow-up test conducted during the employee's first twelve (12) months of resumed duty, and may extend for up to a total of 60 months. The type (drug and/or alcohol), frequency and duration of testing will be set at the sole discretion of the SAP. This testing is in addition to any required random, reasonable suspicion, post-accident and pre-employment testing. Any follow-up breath-alcohol test result of 0.02 or greater will result in discipline up and including termination.~~

~~For any USDOT (FTA) safety-sensitive employee, a confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and in violation of this policy and the requirements in 49 CFR Part 655 for safety-sensitive employees, which~~



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~~includes a mandatory SAP referrals are not permitted for results for less than 0.02, or for results of 0.02 to less than 0.04. SAP referrals.~~

Note: Reasonable suspicion, random, and follow-up alcohol testing shall be conducted 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.

~~6.9 REASONABLE ACCOMODATION TESTING (ADA)~~

~~A covered non-USDOT safety-sensitive employee subject to drug testing under RTA authority may have access to a reasonable accommodation drug test based on a disability under the Americans Disabilities Act (ADA), as amended by the ADA Amendments Acts of 2008 (ADAAA).~~

~~The determination of whether someone has a disability requires an individualized assessment. The ADA defines "disability" as:~~

~~a physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an "actual disability"); or
a record of a physical or mental impairment that substantially limits a major life activity ("record of"); or
when a covered entity takes an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor ("regarded as"). "Regarded as" definition of disability only is not entitled to a reasonable accommodation.~~

~~An RTA designated safety-sensitive employee requiring a reasonable accommodation may be tested by oral fluid as an alternative. Oral fluid testing is prohibited for USDOT-designated (FTA and FMCSA) safety-sensitive employees. The shy bladder protocol remains applicable to USDOT-designated safety-sensitive employees and those that do not meet the disability standard.~~

~~57.0 PRESCRIPTION AND OVER-THE-COUNTER MEDICATION~~ DRUG USE

In the interest of protecting employees and the general public, any RTA employee designated USDOT safety-sensitive must make sure that any prescribed drug or any combination of drugs being taken will not adversely impact their job performance. It is the employee's responsibility to consult with medical professionals to ensure that the employee's job duties will not be adversely impacted by prescribed medication. Any employee under the influence of prescribed medication that may impact safety-sensitive duties must notify their immediate supervisor in advance of performing safety-sensitive duties.

It is the responsibility of the safety-sensitive employee, when selecting an over-the-counter medication, to read all warning labels before selecting it for use while in a working status. Medications whose labels indicate they may affect mental functioning; motor skills or judgment should require significant consideration before use.

~~The advice of a pharmacist, if available at the purchase site, may be helpful in making a selection appropriate to the employee's job duties. If no alternate medication is available for the condition, employees should seek professional assistance from their pharmacist or physician. Ultimately, the employee may be the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to refrain from using any over-the-counter medication that causes performance-altering side effects, whether or not the label warns of them.~~

Employees who experience medication side effects or do not feel fit for duty, regardless of medications or previous approvals, must consult their personal physician and immediately refrain from performing hazardous activities, including all safety-sensitive functions. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, etc.) to avoid unsafe workplace practices.

If the employee's use of a prescription or over-the-counter drug endangers the employee, co-workers or the public, or has contributed to an accident, the employee may be subject to discipline, up to and including termination, under RTA authority.

7.1 SIDE EFFECTS

~~Employees who experience medication side effects or do not feel fit for duty, regardless of medications or previous approvals, must consult their personal physician and immediately refrain from performing hazardous activities, including all safety-sensitive functions. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, etc.) to avoid unsafe workplace practices.~~

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of **RTA's** ~~our~~ drug-free workplace policy to intentionally misuse and/or abuse prescription medications, including **taking** a medicine prescribed to another person, such as a family member. Appropriate disciplinary action up to and including termination will be taken if an employee tests positive for a prescription drug for which the employee does not have a current, valid prescription.



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7.2 HOW TO REPORT MEDICATIONS

To report a medication as an option, the employee's licensed medical practitioner may read and sign the Medication Approval Form. Employees may take a medication approval form with them when they visit their doctor. This form may be returned to the DER prior to resuming safety sensitive functions.

Employees have the responsibility to explain their job duties to their medical practitioner and ensure that the use of prescribed medication will not pose a safety risk to themselves, co-workers, or the general public. It is recommended that the employee provide the medical professional with a copy of their current job description.

If the employee's use of a prescription or over the counter drug endangers the employee, co-workers or the public, or has contributed to an accident, the employee may be subject to discipline, up to and including termination, under RTA policy.

7.3 CONFIDENTIALITY OF RECORDS AND VERIFICATION

Medication approval forms will be kept in a confidential medical file under the control of the DER. If an employee's personal physician and the MRO differ regarding use of a medication, the DER will work with the employee's medical practitioner and the MRO to resolve the disagreement.

68.0 EMPLOYEE ASSISTANCE PROGRAM

68.1 GENERAL

RTA's EAP offers help for employees to improve or maintain job performance by assisting with support to resolve personal problems. A component of the program is to help employees who may be experiencing some type of personal problem related to drug and/or alcohol addiction. Refer to HC23 RTA Employee Assistance Program Policy.



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~~9.0 INFORMATION DISCLOSURE~~

~~9.1 PRE-EMPLOYMENT~~

~~To be considered for employment, transfer or promotion, all applicants who previously failed a pre-employment drug test are required to give consent to RTA for a background check of their previous USDOT covered employer(s) over the past two (2) years as defined by 49 CFR 40.25. Information requested will include:~~

~~Alcohol test results of 0.04 or higher alcohol concentration;
Verified positive drug tests;
Refusals to be tested (including verified adulterated or substituted drug test results);
Other violations of USDOT agency drug and alcohol testing regulations;
Information obtained from previous employers of a drug and alcohol rule violation; and
With respect to any employee who violated a USDOT drug and alcohol regulation, documentation of the employee's successful completion of USDOT return-to-duty requirements (including follow-up tests, treatment plans)~~

~~Hiring manager(s) are responsible for posting and processing employees for safety-sensitive positions must ensure form PDER-9 is completed and part of the new hire packet. Applicants or current employees for USDOT positions must be asked if they failed or refused a USDOT pre-employment test in the previous two (2) years.~~

~~9.2 RETENTION AND RELEASE~~

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

- ~~• To a third party, only as directed by specific and written instruction of the employee;~~
- ~~• To the decision maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;~~
- ~~• To a subsequent employer upon receipt of a written request from the employee;~~
- ~~• Information obtained from previous employers of a drug and alcohol rule violation;~~
- ~~• To the National Transportation Safety Board (NTSB) during an accident investigation;~~
- ~~• To the USDOT or any USDOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed guideway systems;~~
- ~~• To the employee, upon written request;~~

- ~~Records will be released if requested by a Federal, State or local safety agency with regulatory authority over RTA transportation systems(s).~~

~~If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40, necessary legal steps will be taken by RTA to contest the issuance of the order.~~

7.0 RECORDS MANAGEMENT

According to 49 CFR Parts 655 and 40, each as amended, the following minimum record retention schedule shall be maintained by **New Orleans Regional Transit Authority**. Sometimes, additional records will be kept to thoroughly document the decision-making process.

Record Retention Schedule

Drug testing records shall be kept using the following guide:

<u>Record</u>	<u>Retention Period (Years)</u>
<ul style="list-style-type: none"> • <u>Alcohol Tests Results < 0.02</u> • <u>Records of Negative Test Results</u> 	<u>1</u>
<ul style="list-style-type: none"> • <u>Education and Training Records</u> • <u>Evidential breath device calibration documentation</u> 	<u>2</u>
<ul style="list-style-type: none"> • <u>Information obtained through previous employer record checks</u> 	<u>3</u>
<ul style="list-style-type: none"> • <u>Records of covered employee verified positive drug test results</u> • <u>Alcohol test results with readings of 0.02 or greater</u> • <u>Documentation of refusal to take required drug or alcohol test</u> • <u>Documentation of employee disputes</u> • <u>Employee evaluation and referrals</u> • <u>Annual MIS reports</u> 	<u>5</u>

Five Year Records:

- ~~Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;~~
- ~~Records of verified positive drug test results;~~
- ~~Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);~~
- ~~SAP reports; and~~
- ~~All follow-up tests and schedules for follow-up tests.~~



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~~Three Year Records:~~

- ~~• Information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees.~~

~~Two Year Records:~~

- ~~• Records of the inspection, maintenance, and calibration of EBTs.~~

~~One Year Records:~~

- ~~• Negative and cancelled drug test results and alcohol test results with a concentration of less than 0.02.~~

810.0 EMPLOYEE AND SUPERVISOR TRAINING

810.1 GENERAL

All safety-sensitive employees will undergo a minimum of one (1) hour of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. ~~The training must also include manifestations and behavioral cues that may indicate prohibited drug use.~~

810.22 SUPERVISORS

Supervisors will receive an additional 1 hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

~~Information on the signs, symptoms, health effects and consequences of alcohol misuse is present in the appendix section of this policy.~~

911.0 MINIMUM THRESHOLDS

The DHHS establishes the minimum threshold levels for each of the five drugs tested for under USDOT testing programs including the FTA. Minimum levels are established for both the initial screening test and for the confirmatory test. A sample of urine provided by the employee/applicant is used to test for the presence of any of the drugs or drug metabolites. Federal government regulations and the USDOT testing guidelines mandate cutoffs for a minimum quantity of drug or alcohol that must be detected in the initial test and also in the confirmation test. When the initial test results reach the minimum cutoff limit, a confirmation test is conducted using the cutoff limits established for the confirmation test.

1012.0 ~~DILUTED URINE SPECIMEN TESTS~~

If there is a negative dilute test result, New Orleans Regional Transit Authority will conduct one additional retest immediately. The result of the second test will be the test of record. This second test is not under direct observation unless there is a reason other than the test was deemed/verified positive dilute and requires direct observation testing.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

10.1 SPLIT SPECIMEN TEST

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. New Orleans Regional Transit Authority guarantees that the split specimen test will be conducted in a timely fashion.

~~If a test is issued as positive dilute, the test is treated as a verified positive test. If a negative drug test result is issued as dilute, the employee must take another drug test immediately. This second test is not under direct observation unless there is a reason other than the test was deemed/verified positive dilute and requires direct observation testing.~~

1143.0 DISCIPLINE AND CONSEQUENCES FOR VIOLATIONS

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

11.1 Treatment/Discipline

Per New Orleans Regional Transit Authority, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be

An employee who receives a verified positive either for drug and/or alcohol will be subject to disciplinary action up to and/or including termination. An employee may

be found to have a verified positive on the basis of any appropriate evidence including, but not limited to:

A. An employee who tests for alcohol will receive a referral to a substance abuse counselor (0.02 to 0.039 result). This will be followed up by the Drug and Alcohol department to ensure the employee is back in compliance and in good standing. An employee subject to DOT testing will be referred to a SAP (0.04 result or above).

~~B. For drug and alcohol testing, an employee who refuses (outlined in section 3.0) to submit to a drug or alcohol test when required by this policy will be considered to have tested positive. This voluntary refusal by the employee will be followed by a termination with no consideration for re-hire or the grievance process. An employee who is subject to post-accident testing who unnecessarily leaves the scene of an accident before a required test is administered, fails to remain readily available for testing, including notifying the employer of his or her location prior to submission to the test, will be considered to have refused the test, and will be consider the same as a positive test result.~~

C.B.

~~D. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the BAT shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, RTA shall be notified that the employee has refused to be tested. The employee will be directed to obtain an evaluation within 72 hours from a licensed physician acceptable to RTA to address the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the RTA for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test.~~

E.C. If the employee claims to be unable to provide a urine specimen, the employee shall remain at the designated collection site until the specimen is provided or three hours have passed, whichever occurs first. If the employee is unable to provide such a quantity of urine, the employee will be urged to drink up to 40 ounces of fluids distributed reasonably through a period of up to three (3) hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. If the employee is still unable to provide an adequate specimen after three (3), testing shall be discontinued and DER shall be notified. The employee will be directed to obtain, within five (5) working days, an evaluation from a licensed physician acceptable to the MRO, or from the MRO, if appropriate. If there is not a medical reason acceptable to the MRO for the employee's inability to provide the urine, the employee will be considered to have refused to submit to the drug test. *Exception: those non-USDOT-designated RTA employees requiring a reasonable accommodation may attach an oral test.*



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F.D. Any employee summoned for the following test (Random Test, Post Accident, Reasonable Suspicion or Fit for Duty) under the RTA policy is mandated to be transported to the testing location by a superior for their testing process. Failure to comply with company policy will result in assuming a test refusal. NOTE: Any testing refusal will be disqualified to be a part of RTA's Second Chance/Last Chance Program.

G. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program, or employees who are subject to the return-to-duty provisions as outlined in the policy, will be required to undergo a return-to-duty test, and will also be tested on an unannounced and periodic basis for drugs and/or alcohol up to 60 months following their return to work. Employees will be required to submit to a minimum of six (6) follow-up tests within the first 12 months of resumed duty. Should an employee have a result of 0.02 to less than 0.04 on a follow-up test, there is no DOT violation and thus a SAP referral is not permitted. Any follow-up breath-alcohol test result of 0.02 or greater will result in the employee being recommended for termination per RTA's policy. (For more information see 49 CFR.191)

E. SEE APPENDIX #4 for RTA's Last Chance Agreement for employee terms and condition

NOTE: The completion of the SAP process does not guarantee job status, but must be completed to garner safety sensitive employment elsewhere and to retain your CDL.

11.3.24 CONSEQUENCES OF A VERIFIED POSITIVE

RTA is a second chance/last chance organization. However, this does not excuse all circumstances that result in a positive test. Rules and requirements are set in place to be considered as follows: An employee will be up for consideration that has been employed with the New Orleans Regional Transit Authority for a minimum of 5 years in a safety sensitive position, if on their first occurrence of a verified positive for drugs and/or alcohol after a random or reasonable suspicion test may retain employment with RTA if their return would not endanger public health, safety, or national security. The employee will be subject to disciplinary action as outlined below:

- I. Immediate removal from safety sensitive duties**
- II. Placed on 30 day suspension or greater for violation of the Drug Free Workplace policy**
- III. Agree to and sign the Last Chance Agreement see (Appendix # 4)**
- IV. The employee must be referred to a credentialed Substance Abuse Professional and evaluated by the SAP and must pass a return-to-duty test**

before the employee can return to duty. The employee must have a verified negative drug test result and/or a breath alcohol test result of less than 0.02 before returning to their safety-sensitive functions. Note: The length of this process is based on the treatment plan given by the SAP. Once an employee is returned and as a condition of ongoing employment, the employee must follow the prescribed, recommended frequency and duration of follow-up testing from the SAP. Any RTA employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty testing will be subject to immediate termination. The cost of any treatment or rehabilitation services will be paid for by the employee directly or by their insurance provider. This will be agreed upon before entry into the Second Chance/Last Chance Program. Employees will be allowed to take accumulated sick leave, vacation time and PTO to participate in the prescribed rehabilitation program after they have satisfied the 30 day suspension or greater as stipulated above. Any follow-up testing will be apart and in addition to participation in the random testing program.

Any employee who has a verified positive or refuses a drug and/or alcohol for post-accident, return to duty, or follow-up testing will be subject to termination per RTA's authority.

Immediate removal from safety-sensitive duties

- I. ~~Placed on 30-15 day suspension or greater for violation of the Drug-Free Workplace policy~~
- II. ~~Agree to and sign the Last Chance agreement see appendix 4~~
- III. ~~The employee must be referred to the RTA's EAP and evaluated by a Substance Abuse Counselor and pass a return-to-duty test before the employee can return to duty. A return-to-duty test will include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to their safety-sensitive functions. Note: The length of this process is based off on the treatment plan given by the SAP counselor~~
- IV. ~~Once an employee is returned and as a condition of ongoing employment, the employee must follow the prescribed, recommended frequency and duration of follow-up testing from the EAP/substance abuse counselor.~~
- V.

~~Any RTA employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty testing will be subject to termination. The cost of any treatment or rehabilitation services will be paid for by the employee directly or by their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed~~



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~~rehabilitation program after they have satisfied the 15 day suspension as stipulated above. Any follow-up testing will be apart and in addition to participation in the random testing program.~~

~~V. Any employee who has a verified positive or refuses a drug and/or alcohol for post-accident, return to duty, or follow-up testing will be subject to termination.~~

11.3 Voluntary Self-Referral

Under the company's policy, any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Drug and Alcohol Program Manager (See APPENDIX #4) who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will be immediately removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

All self-referrals are viewed individually. Many factors are presented and considered when determining whom the financial responsibility will fall on. The employer has the discretion, to decide who pays for rehabilitation services and if the employee can use paid/unpaid leave during the rehabilitation program. No negotiation is up for consideration upon the matter of company payments for employees. The employee must have enough time accrued in their balance or personal funds to complete this program successfully. Failure to meet all requirements will result in no consideration as a good candidate for continuance.

126.0 GRIEVANCE AND APPEAL



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The consequences specified by 49 CFR 40.149 (a)(5) and (c), as amended, for a positive test or test refusal are not subject to arbitration.

12714.0 FLOWCHART

N/A

13815.0 REFERENCES

- Drug – Free Workplace Act of 1988, Drug and Alcohol Fact Sheet
- Designated Safety Sensitive Position covered by USDOT
- Designated Safety Sensitive Position non-covered by USDOT
- HC17 RTA Termination of Employment Policy
- HC24 RTA Employee Assistance Program Policy

14916.0 ATTACHMENTS

- ~~APPENDIX #1 Policy Definitions~~
- APPENDIX #12 Drug and Alcohol Fact Sheet REFER TO THE SAFETY AND HEALTH HANDBOOK Updated 10/16/2023
- APPENDIX #23 Designated Safety Sensitive Positions Covered under USDOT
- ~~APPENDIX #3 Contact Person 4 Designated Safety Sensitive Non-USDOT Positions~~
- APPENDIX #4 Last Chance Agreement
- ~~APPENDIX #5 Last Chance Agreement~~

152017.0 PROCEDURE HISTORY

- 12/11/2020 Interim Executive Committee approval granted
12/15/2020 Interim Board approval granted
2/4/2021 Final Executive Committee approval granted
2/23/2021 Final Board approval granted
9/27/2022 Final Board approval granted
- Amended to include second chance program
- 12/14/2023 FTA Updated Drug and Alcohol Policy
- Amended to include second chance program

162118.0 SPONSOR DEPARTMENT

- Human Capital



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APPENDIX #1

POLICY DEFINITIONS

Accident Means:

Under RTA Policy:

~~A non-vehicular occurrence which results:~~

- ~~a. In a fatality; OR~~

~~A vehicular occurrence, including non-revenue service vehicles and personal vehicles used for RTA business, which results:~~

- ~~a. In a fatality; OR~~

- ~~a. Any person involved requires immediate medical treatment away from the scene of the accident; OR~~
- ~~b. The driver receives a citation from a law enforcement official; OR~~
- ~~c. One or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.~~

~~Under RTA's authority, any employee involved in a vehicular or non-vehicular accident/incident may be required to take a non-USDOT post accident drug and alcohol test. In this case, the accident or incident does not need to meet FTA or FMCSA defined thresholds.~~

Under FMCSA:

~~An accident is defined (§382.303) as an occurrence associated with the operation of a vehicle in which:~~

- ~~a. An individual die; OR~~
- ~~a. Any person involved requires immediate medical treatment away from the scene of the accident; OR~~
- ~~b. The driver receives a citation from a law enforcement official; OR~~
- ~~c. One or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.~~

Under FTA:

~~An accident is defined (§655.4) as an occurrence associated with the operation of a vehicle in which:~~

- ~~a. An individual dies; OR~~
- ~~a. Any person involved requires immediate medical treatment away from the scene of the accident; OR~~
- ~~b. One or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; OR~~



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- ~~c. The mass transit vehicle involved is a railcar, trolley car, trolley bus (on a fixed guideway or overhead wire), or vessel and is removed from operation; AND~~
- ~~d. When the Regional Transit Authority cannot completely discount the employee's Conduct as a contributing factor to the accident.~~

~~Alcohol Test means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential Breathalyzer test, saliva test, or blood screening. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.~~

~~Canceled Test with respect to the results of a drug test means a test result that the MRO declares invalid. A canceled test is neither a positive, nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO shall cancel the test and report the cancellation and the reason for it to the USDOT, the employer, and the employee/applicant.~~

~~In alcohol testing, a test that is deemed to be invalid is neither a positive nor a negative test.~~

~~Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:~~

- ~~a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or~~
- ~~b. Has a gross vehicle weight rating of 26,001 or more pounds; or~~
- ~~c. Is designed to transport 16 or more passengers, including the driver; or~~
- ~~d. Is of any size and is used in the transportation of materials found to be hazardous as defined by the Hazardous Materials Transportation Act and requires the motor vehicle to be placarded under the Hazardous Materials Regulations.~~

~~Confirmed Illegal Involvement/Activity means an admission to, or conviction of, being involved or participating in activity that is illegal according to federal, state, and local laws. The involvement/activity includes, but is not limited to, possessing, selling, buying, making, dispensing, distributing, or using illicit drugs.~~

~~Confirmation Test for Alcohol means a second test, following a screening test with a result of 0.02 or greater which provides quantitative data of alcohol concentration.~~

~~Confirmation Test for Controlled Substances means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen~~



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~~test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five (5) Substance Abuse and Mental Health Services Administration (SAMHSA) drugs.~~

~~Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.~~

~~Criminal Drug Statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.~~

~~Direct Observation means observations that are performed by a collection site employee~~

~~Drug means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), or NC GS 90-87(5), or a metabolite thereof.~~

~~Medical Review Officer (MRO) is a licensed physician or Doctor of Osteopathy with specific training in the area of substance abuse. The MRO not only has knowledge of substance abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. A MRO verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.~~

~~Negative, with respect to the results of a drug test, means a test result that does not show presence of drugs at a level specified to be a positive test.~~

~~Negative, with respect to the results of an alcohol test, means a test result which indicates a breath alcohol concentration of less than 0.02.~~

~~Obstruction means conduct that obstructs the testing process that includes providing a urine specimen that has been adulterated, substituted, and/or any other action that results in a urine specimen that cannot be properly tested for illicit drugs.~~

~~On Call means being subject to a call to immediately report to work for RTA.~~

~~On Duty means when an employee is at his or her workplace, when an employee is performing job duties, when an employee is on call, and during any other period of time for which an employee is entitled to receive pay from RTA.~~

~~Other Substance means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.~~

~~Pass an Alcohol Test is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.~~

~~Pass a Drug Test means that the result of a drug test is negative. The test either:~~

- ~~• Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite; or~~
- ~~• Showed evidence of a prohibited drug or drug metabolite but there was a legitimate medical explanation for the result as determined by a certified MRO.~~

~~Positive, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood (if applicable) of an employee at the levels identified by SAMHSA, or for drugs not subject to SAMHSA guidelines, at the levels identified by RTA; all "positive" tests will be confirmed using a different technology than the first test, such as the gas chromatography mass spectrometry (GC/MS) process.~~

~~Positive, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.04 level or greater.~~

~~Pre-placement Testing is testing conducted on an applicant prior to his being hired. It is also conducted on a current RTA employee prior to his being promoted, transferred or demoted into a safety-sensitive position as defined by USDOT guidelines or City policy guidelines.~~

~~Qualified Negative, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.~~

~~Random Testing is conducted on an employee assigned to RTA "safety sensitive" position, chosen by a method that provides an equal probability that any employee from a group of employees will be selected. RTA administers random testing unannounced, spread reasonably throughout the year, on all days and during hours of operation.~~

~~Reasonable Suspicion Section 655.43(b) states "An employer's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee."~~

~~A supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, can substantiate specific current articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. Bad behavior or performance issues by themselves do not constitute reasonable suspicion. Being moody, having a bad attitude,~~



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~~or fighting, for example, does not constitute reasonable suspicion alone. Only when these actions happen in concert with a supervisor's observations of facts are they attributable to drug use or alcohol misuse and relevant to a reasonable suspicion determination.~~

~~By way of example, but not limited to any one or a combination of the following may constitute reasonable suspicion:~~

- ~~• Slurred speech~~
- ~~• The odor of marijuana or alcohol about the person~~
- ~~• Inability to walk a straight line~~
- ~~• Behavior which is so unusual that it warrants summoning a supervisor or anyone else in authority; (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior, physical or verbal altercations)~~
- ~~• Possession of drugs~~
- ~~• Verifiable information obtained from other employees based on their observations~~
- ~~• Arrests, citations and deferred prosecutions associated with drugs or alcohol~~

~~An employee subject to the post-accident testing requirements of the USDOT who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.~~

~~Safety-Sensitive Position means:~~

~~Under RTA Authority~~

~~Under FMCSA~~

~~An employee is performing a safety sensitive function if they are:~~

- ~~• Driving a commercial motor vehicle which requires the driver to have a commercial driver's license (CDL)~~
- ~~• Inspecting, servicing, or repairing any commercial motor vehicle~~
- ~~• Waiting to be dispatched to operate a commercial motor vehicle~~
- ~~• Performing all other functions in or upon a commercial motor vehicle~~
- ~~• Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded~~
- ~~• Performing driver requirements associated with an accident~~
- ~~• Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle~~

~~Under FTA an employee is performing a safety sensitive function if he/she is:~~



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- a. ~~Operating a revenue service vehicle, such as a para transit van or bus, including when not in revenue service~~
- b. ~~Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL)~~
- c. ~~Controlling dispatch or movement of equipment used in revenue service~~
- d. ~~Maintaining a revenue service vehicle or equipment used in revenue service~~
- e. ~~Carrying a firearm for security reasons~~

~~Note: Determination as to which positions are safety-sensitive will be based on USDOT guidelines and approval by the Human Resources Department.~~

~~Supervisor, in general, means any employee who has the authority to direct the job activities of one or more employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.~~

~~Substance Abuse Counselor~~

~~Substance Abuse Professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, licensed marriage and family counselor, addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of, and clinical experience in, the diagnosis and treatment of both drug and alcohol-related disorders.~~

~~RTA contracts its SAPs through its EAP. The contact number is listed in the RTA phone log. Employees should ask to speak with a Care Coordinator who will make an assessment and refer the employee to a qualified SAP as mandated by the USDOT.~~

~~Unannounced Follow-up Testing is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.~~

~~Workplace means the location or facility where an employee may be expected to perform any task related to the requirements of his job. This includes break rooms and restrooms, outdoor worksites, RTA or personal vehicles (while personal vehicle is being used for RTA business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots with the exception of "storage only" in vehicles which are not used for RTA business.~~



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APPENDIX #12:

DRUG AND ALCOHOL FACT SHEET

REFER TO THE SAFETY AND HEALTH HANDBOOK Last Updated October 16, 2023

~~DRUG AND ALCOHOL AND FACT SHEET~~

~~ALCOHOL~~

~~Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.~~

~~SIGNS AND SYMPTOMS OF USE~~

- ~~• Dulled mental processes~~
- ~~• Lack of coordination~~
- ~~• Odor of alcohol on breath~~
- ~~• Possible constricted pupils~~
- ~~• Sleepy or stupor-like condition~~
- ~~• Slowed reaction time~~
- ~~• Slurred speech~~

~~(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)~~

~~HEALTH EFFECTS~~

~~The chronic consumption of alcohol (average of three (3) servings per day of beer [12 ounces/serving], whiskey [1 ounce/serving] or wine [6 ounces/serving]) over time may result in the following health hazards:~~

- ~~• Decreased sexual function~~
- ~~• Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")~~
- ~~• Fatal liver disease~~
- ~~• Pancreatitis~~
- ~~• Spontaneous abortion and neonatal mortality~~
- ~~• Ulcers~~
- ~~• Birth defects (up to 54 percent of all birth defects are alcohol-related)~~

~~SOCIAL ISSUES~~



- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is seven (7) times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

WORKPLACE ISSUES

- It takes one (1) hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two (2) drinks in the body.
- A person who is legally intoxicated is six (6) times more likely to have an accident than a sober person.

AMPHETAMINES

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

DESCRIPTION

- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.
- Amphetamine is sold in counterfeit capsules or as white, flat, doubled-scored "minibennies." It is usually taken by mouth.

SIGNS AND SYMPTOMS OF USE

- Hyper excitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure



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- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

HEALTH EFFECTS

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.

WORKPLACE ISSUES

Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual demands or failure to get rest. Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

CANNABINOIDS (MARIJUANA)

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood/perception altering effects it produces.

DESCRIPTION

Usually sold in plastic and sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar-like substance ranging in color from pale yellow to black. It may also be sold in an oily liquid. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found and associated with marijuana use. Smoking "bongs" (large bore pipes for inhaling large volume of smoke) can easily be made from soft drink cans and toilet paper rolls. Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.



~~SIGN AND SYMPTOMS OF USE~~

- ~~• Chronic fatigue and lack of motivation~~
- ~~• Irritating cough, chronic sore throat~~
- ~~• Reddened eyes (often masked by eye drops)~~
- ~~• Slowed speech~~
- ~~• Distinctive odor on clothing~~
- ~~• Lackadaisical "I don't care" attitude~~

~~HEALTH EFFECTS~~

- ~~• When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.~~
- ~~• One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.~~
- ~~• Marijuana is commonly contaminated with the fungus Aspergillus, which can cause serious respiratory tract and sinus infections.~~
- ~~• Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive immunodeficiency virus (HIV) carriers.~~

~~PREGNANCY PROBLEMS AND BIRTH DEFECTS~~

~~The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes. Chronic smoking of marijuana in males causes a decrease in the sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users. Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone. Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and a higher infant mortality rate during the first few days of life. In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver, and water on the brain and spine. Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects in infant's feet and hands. One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies. Fetal exposure may decrease visual functioning and causes other ophthalmic problems.~~

~~MENTAL FUNCTION~~

~~Regular use can cause the following effects:~~

- ~~• Delayed decision-making~~



- ~~Diminished concentration~~
- ~~Impaired short term memory, interfering with learning~~
- ~~Impaired signals detection (ability to detect a brief flash of light), a risk for users who are operating machinery~~
- ~~Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements~~
- ~~Erratic cognitive function~~
- ~~Distortions in time estimation~~
- ~~Long term negative effects on mental function as "acute brain syndromes," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical conditions.~~

~~ACUTE EFFECTS~~

- ~~Aggressive urges~~
- ~~Anxiety~~
- ~~Confusion~~
- ~~Fearfulness~~
- ~~Hallucinations~~
- ~~Heavy sedation~~
- ~~Immobility~~
- ~~Mental dependency~~
- ~~Panic~~
- ~~Paranoid reaction~~
- ~~Unpleasant distortions in body image~~

~~WORKPLACE ISSUES~~

~~The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long term effect on performance. A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978. Combining alcohol or other depressant drugs with marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.~~

~~HEMP PRODUCTS~~

~~HEMP WARNING~~

~~Food products containing hemp may have sufficient THC to cause impairment and produce positive marijuana drug test results. The Hemp plant, from which marijuana is derived, also produce edible seeds which can be legally imported into the United States after they are "sterilized," a process which is intended to render the seed incapable of being sprouted and to remove "all traces of THC." Virtually all hemp food packaging is labeled that it "CONTAINS NO THC".~~



This is apparently inaccurate. One major manufacturer advertises that they have the lowest levels of THC at only 33 parts per million. Others say residual THC in their products is under 50 parts per million and claim competitive products may contain as much as 1,300 parts per million.

Because of the concern for workplace safety, which could be jeopardized by THC from any source, employees are encouraged to refrain from using hemp-containing food products until the effectiveness of seed sterilization in removing THC can be documented through independent testing.

Job applicants or employees testing positive for marijuana, claiming use of hemp-containing food products will be considered positive. All employees verified with positive drug test results will be recommended for discipline up to and including termination, pending a pre-termination hearing.

COCAINE

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tenser, the heart beats faster and stronger, and the body burns more energy. The brain experiences exhilaration caused by a large release of neuro-hormones associated with mood elevation.

DESCRIPTION

The source of cocaine is the coca bush, grown almost exclusively in the mountainous region of northern South America. Cocaine Hydrochloride "snorting coke," is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine. Cocaine Base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven (7) seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp or small butane torch for heating. Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

SIGNS AND SYMPTOMS OF USE

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Unusual defensiveness, anxiety, agitation
- Wide mood swings

- ~~Runny or irritated nose~~
- ~~Increased physical activity and fatigue~~
- ~~Isolation and withdrawal from friends and normal activities~~
- ~~Secretive behaviors, frequent non-business visitors, delivered packages, phone calls~~
- ~~Difficulty in concentration~~
- ~~Dilated pupils and visual impairment~~
- ~~Restlessness~~
- ~~Formication (sensation of bugs crawling on skin)~~
- ~~High blood pressure, heart palpitations, and irregular heart rhythm~~
- ~~Hallucinations~~
- ~~Hyper excitability and overreaction to stimulus~~
- ~~Insomnia~~
- ~~Paranoia and hallucinations~~
- ~~Profuse sweating and dry mouth~~
- ~~Talkativeness~~

HEALTH EFFECTS

~~Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of system illness, such as Parkinson's disease, could also occur. Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.~~

~~Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days when using crack or within several months when snorting cocaine. Cocaine causes the strongest mental dependency of any known drug. Treatment success rates for cocaine are lower than for other chemical dependencies. Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled since 1996. Cocaine overdose is one of the most common drug emergencies.~~

WORKPLACE ISSUES

- ~~Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.~~
- ~~Lapses in attention and ignoring warning signals greatly increase the potential for accidents.~~
- ~~The high cost of cocaine frequently leads to workplace theft and/or dealing.~~
- ~~Paranoia onset and withdrawal create unpredictable and sometimes violent behavior.~~



- ~~Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments~~

OPIATES (NARCOTICS)

~~Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and cause a strong euphoric feeling when taken in large doses.~~

DESCRIPTION

~~Varieties of opiates include natural and natural derivatives—opium, morphine, codeine, and heroin—as well as synthetics, such as Meperidine (Demerol), Oxymorphone (Numorphan), and Oxycodone (Percodan). Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used. Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.~~

SIGNS AND SYMPTOMS OF USE

- ~~Mood changes~~
- ~~Impaired mental functioning and alertness~~
- ~~Constricted pupils~~
- ~~Depression and apathy~~
- ~~Impaired coordination~~
- ~~Physical fatigue and drowsiness~~
- ~~Nausea, vomiting, and constipation~~
- ~~Impaired respiration~~

HEALTH EFFECTS

~~Intravenous (IV) needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles. Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity. Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.~~

SOCIAL ISSUES

~~There are over 500,000 heroin users in the U.S., most of whom are IV needle users. An even greater number of medical narcotic-dependent persons obtain their narcotics through prescriptions. Because of tolerance, there is an ever-increasing need for more of the narcotic to produce the same effect resulting in strong mental and physical dependency.~~

~~The combination of tolerance and dependency and the resulting need to acquire greater quantities of the drug creates an increasing financial burden for the users. Costs for heroin can reach hundreds of dollars a day.~~

WORKPLACE ISSUES



Narcotics have a legitimate medical use in alleviating pain. Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident. Workplace use may cause impairment of physical and mental functions.

PHENCYCLIDINE (PCP)

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

DESCRIPTION

PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets." It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine. Trade/street names include Angel Dust, Dust, and Hog.

SIGN AND SYMPTOMS OF USE

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat increase
- Dizziness

HEALTH EFFECTS

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. Other depressant drugs, including alcohol, increase the effects of PCP and could increase the likelihood of an overdose reaction. Misdiagnosing the hallucinations as LCD induced and treating with Thorazine can cause a fatal reaction. Use can cause irreversible memory loss, personality changes, and thought disorders. There are four (4) phases of PCP abuse.

- The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape and perception are common.



Regional Transit Authority

- The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation.
- The third phase is a drug-induced schizophrenia that may last a month or longer.
- The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

WORKPLACE ISSUES

PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs. However, use in the workplace can expose the user and others to extreme safety hazards.

APPENDIX #23

New Orleans Regional Transit Authority Designated Safety Sensitive Positions Covered under USDOT Federal Transit Administration (FTA) Regulations

This safety-sensitive list is inclusive but not limited to the positions noted. Testing is conducted using FTA Regulations.

<u>Apprentice Tech</u>	<u>Mechanic Supervisor</u>
<u>Apprentice Traction Power</u>	<u>Mechanic-Bus Maintenance</u>
<u>Body Manager</u>	<u>Manager of Stations Operations</u>
<u>Body Repair Technician</u>	<u>Metal Worker</u>
<u>Body Repairman</u>	<u>Supervisor SIS</u>
<u>Bus Operator</u>	<u>Metal Worker-MOW</u>
<u>Carpenter Rail</u>	<u>Metal Worker-Shop</u>
<u>Communications Control Dispatcher</u>	<u>Operations/Maintenance Training Instructor</u>
<u>Dispatch Supervisor</u>	<u>Para Transit/Support Mechanic</u>
<u>Dispatch Supervisor of Paratransit</u>	<u>Paratransit Dispatcher</u>
<u>Dispatcher</u>	<u>Transit Supervisor Paratransit</u>
<u>Electrician</u>	<u>Paratransit Operator</u>
<u>Electronic Technician</u>	<u>Traction Power Technician</u>
<u>Hostler</u>	<u>Paratransit Router</u>
<u>Hostler-SIS</u>	<u>Rail Maintenance Technician</u>
<u>Lead Hostler</u>	<u>Rail Shop Supervisor</u>
<u>Lead Technician</u>	<u>Railway Worker</u>
<u>Machinist-Shop</u>	<u>Railway Worker-MOW</u>
<u>Maintenance Manager</u>	<u>Senior Transit Operations Supervisor</u>
<u>Manager of Maintenance Rail Shop</u>	<u>Service Delivery Manager</u>
<u>Manager of Mobility & Alternative Modes</u>	<u>Streetcar Operator</u>
<u>Manager of Operations Bus</u>	<u>Supervisor Body Repair</u>
<u>Manager of Operations Control</u>	<u>Supervisor Bus Maintenance</u>
<u>Manager of Operations Rail</u>	<u>Supervisor Hostler</u>
<u>Manager of Operations Support</u>	<u>Supervisor Maintenance of Way</u>
<u>Manager of Operations Training</u>	<u>Supervisor of Operations Control</u>
<u>Manager of Rail Maintenance MOW</u>	<u>Supervisor Para & Non Rev Maintenance</u>
<u>Mechanic</u>	<u>Supervisor Shop</u>
<u>Rail Technician Machinist Apprentice</u>	<u>Supervisor Traction Power</u>
<u>Router</u>	<u>Lift Vehicle Operator</u>



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<u>Supervisor of General Repair</u>	<u>Switch Repair Technician-MOW</u>
<u>Traction Power Tech Electrician</u>	<u>Transit Operations Supervisor</u>
<u>Transit Service Supervisor</u>	<u>Switch Repair Technician</u>

<u>Apprentice Tech</u>	<u>Mechanic Supervisor</u>
<u>Apprentice Traction Power</u>	<u>Mechanic-Bus Maintenance</u>
<u>Body Repair Technician</u>	<u>Metal Worker</u>
<u>Bus Operator</u>	<u>Metal Worker-MOW</u>
<u>Carpenter</u>	<u>Metal Worker-Shop</u>
<u>Communications Control Dispatcher</u>	<u>Operations/Maintenance Training Instructor</u>
<u>Depot Clerk</u>	<u>Para Transit/Support Mechanic</u>
<u>Director of Bus & Rail Communications</u>	<u>Paratransit Dispatcher</u>
<u>Director of Bus Maintenance</u>	<u>Paratransit Operator</u>
<u>Director of Mobility Services & Alternative Modes</u>	<u>Paratransit Router</u>
<u>Director of Operations Bus & Rail</u>	<u>Rail Maintenance Technician</u>
<u>Director of Rail Maintenance</u>	<u>Rail Shop Supervisor</u>
<u>Dispatch Supervisor</u>	<u>Railway Worker</u>
<u>Dispatch Supervisor of Paratransit</u>	<u>Railway Worker-MOW</u>
<u>Electrician</u>	<u>Senior Transit Operations Supervisor</u>
<u>Grounds-MOW</u>	<u>Service Delivery Manager</u>
<u>Hostler</u>	<u>Streetcar Operator</u>
<u>Hostler-SIS</u>	<u>Supervisor Body Repair</u>
<u>Lead Depot Clerk</u>	<u>Supervisor Bus Maintenance</u>
<u>Lead Hostler</u>	<u>Supervisor Hostler</u>
<u>Lead Technician</u>	<u>Supervisor Maintenance of Way</u>
<u>Machinist-Shop</u>	<u>Supervisor of Operations Control</u>
<u>Maintenance Manager</u>	<u>Supervisor Para & Non-Rev Maintenance</u>
<u>Manager of Maintenance Rail Shop</u>	<u>Supervisor Shop</u>
<u>Manager of Mobility & Alternative Modes</u>	<u>Supervisor SIS</u>
<u>Manager of Operations Bus</u>	<u>Supervisor Traction Power</u>
<u>Manager of Operations Control</u>	<u>Switch Repair Technician</u>
<u>Manager of Operations Rail</u>	<u>Switch Repair Technician-MOW</u>
<u>Manager of Operations Support</u>	<u>Traction Power Technician</u>
<u>Manager of Operations Training</u>	<u>Transit Operations Supervisor</u>
<u>Manager of Rail Maintenance MOW</u>	<u>Transit Supervisor Paratransit</u>
<u>Mechanic</u>	



Regional Transit Authority

APPENDIX #4

~~Regional Transit Authority
Designated Safety Sensitive Non-USDOT Positions~~

~~Safety Specialist
Director Occupational Safety & Health
Director of System Safety
Custodian~~



Regional Transit Authority

APPENDIX #~~35~~

Contact Person

For questions about New Orleans Regional Transit Authority's anti-drug and alcohol misuse program, contact **Shalome Jenkins** DER./ DAPM @ 504-827-8375.

APPENDIX #4

New Orleans Transit Authority's Last Chance Employment Agreement

In lieu of terminating employment of an employee who tests positive for illegal substances or alcohol, New Orleans Regional Transit Authority provides the employee a final opportunity to agree to comply with all company policies and practices

The following agreement is a commitment to the conditions of employment between New Orleans Regional Transit Authority (referred to herein as RTA) and _____ (employee name).

I, _____ (employee name) understand that as a result of my violation of the RTA's Drug and Alcohol Policy, I have been formally informed by RTA that my employment as of this date _____ is conditional regarding my compliance with the conditions enumerated below.

I agree to the following terms and conditions:

1. An evaluation by a Substance Abuse Professional (SAP), that has been approved by RTA; and DOT; and I will be suspended without pay on this date indefinitely until the agreed goals for treatment are met. Understanding that I am a Safety Sensitive employee and I cannot not preform my job duties until I am fully sober; and
2. Enrolled in a rehabilitation program that has been approved by RTA and/or the SAP, for professional treatment regarding my substance abuse problem; and documentation that this is ongoing therapy; and
3. Provide a negative result return-to-work/duty specimen for drug and/or alcohol that meets the requirements of RTA's Drug and Alcohol Policy, for substance abuse testing prior to my request to be reinstated as an employee of RTA. This specimen must be reported to RTA as an unadulterated "Negative", prior to my return to work; and with the understanding that follow up testing requirements will take place; and
4. Request to be reinstated for duty by RTA only after presenting a "recommendation" for a return to duty "signed by my treatment counselor; and upon final clearance from the Drug and Alcohol Departments Designated Employee Representative (DER); and
5. Follow the treatment prescribed by my treatment counselor to its conclusion; and
6. Consent to "follow-up" substance abuse test at the request of RTA for a period of up to 60 months; and

7. Be held responsible for the actual cost of any substance abuse testing and treatment required during this 60-month period. (This will not include standard FTA mandated Random Tests); and
 8. Be subject to all other work rules including attendance, tardiness, and job performance issues; and
 9. Employee will be expected to report to work following suspension (if applicable) at his/her regular scheduled time and date and be able and prepared to work; and
 10. Employee understands that if she/he fails to meet the conditions of this Agreement, she/he will be terminated from employment (the employee will not be considered for future hiring). Meeting the conditions means that Employee will comply with all the performance and conduct standards expected of the organization's employees; and
 11. Employee understands that this Agreement is not a contract or guarantee of continued employment for any specified period of time; and
 12. Agree to sign a release of information statement to allow my treatment provider to report to RTA's DER any lapse or missed treatment sessions if applicable; and
 13. Employer may immediately terminate Employee's employment for violations of this Agreement. The Employee waives the right to challenge through the grievance procedure, legal, or other means for termination or other discipline imposed under the terms of this Agreement, unless otherwise provided for in law; and
 14. Employee understands and agrees that she/he has been afforded sufficient time to consider this Agreement and that signing this Agreement was of his/her own free will and with the benefit of representation, if so desired; and
 15. This Agreement shall be valid and binding from the date of its signing and or until the completion of this program or termination for violation of the agreement. Employee's disciplinary record will remain in effect during and subsequent to the term of this Agreement in accordance with the terms of the Employer's personnel policies.
 16. I understand that there is no definite assurance of job placement while out for treatment upon return.
8. ~~Agree to sign a release of information statement to allow my treatment provider to report RTA any lapse or missed treatment sessions.~~

Failure to comply with these conditions or a second positive test result, a refusal to test, missing a test, non-communication if absent and the employer attempts to contact with no return call, falsification of identity or an adulterated test result will be just cause for my immediate termination.

To be read to employee by RTA official: by signing below you are indicating that you understand this agreement. If you do not understand this agreement, I will be glad to explain it to you now. If you understand and agree to the conditions of this Last Chance Agreement and commit to comply with these conditions, and you understand that any violation of the above conditions, including another positive test result or refusal, will be grounds for termination of employment, please indicate such by signing your name, and today's date, below.

Employee Signature

Date

Witness – Supervisor

Date

Witness – RTA Official

Date



Federal Transit
Administration

FINAL AUDIT REPORT FINDINGS

FTA Drug and Alcohol Compliance Auditing Program

Finding Response Disk



IYON ROSARIO
ACTING DRUG AND ALCOHOL PROGRAM MANAGER
OFFICE OF TRANSIT SAFETY AND OVERSIGHT

New Orleans Regional Transit Authority

Policy Manual Review Interview

Ques. # Action Date: 4/26/2023

2 **Question:** CONTACT PERSON: Does the policy identify the person, office, branch, or position designated by the employer to answer employee questions about the anti-drug and alcohol misuse program?

Answer: No.

Supplemental Answer: The policy (p. 1) states: "Refer to the Phone List for the Drug and Alcohol Program Manager/Designated Employer Representative for RTA." However, the name and contact information for this position are not identified.

In response to this and the following policy findings, submit to FTA a revised policy that is compliant with the listed regulatory requirements. To assist in this effort, RTA may elect to use FTA's free policy builder, which may be found at the following site:
<https://transit-safety.fta.dot.gov/drugandalcohol/tools/PolicyBuilder/CreatePolicy.aspx>.

For this finding, revise the policy to identify the person, office, branch, or position a covered employee can ask questions related to FTA requirements.

FTA Rule Requirement: Section 655.15(a) states that the policy statement must include: "the identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs."

Your Response:

This attached policy now reflects this finding and has been properly corrected to show the contact information for the DAPM/DER In APPENDIX #4. The policy builder was used and implemented throughout the attached policy.

[See Page # 1, 3, 4 and 65 of D and A Alcohol Free Workplace Policy](#)

Ques. # Action Date: 4/26/2023

16 **Question:** PROHIBITED BEHAVIOR: Does the policy indicate that covered employees are prohibited from using alcohol within four hours prior to performing a safety-sensitive function, while on-call to perform a safety-sensitive function, and while performing a safety-sensitive function?

Answer: One or more elements is missing or incorrect.

Supplemental Answer: In sections 4.3 and 5.3, the policy states that employees are prohibited from consuming

alcohol for the eight hours that precede the performance of safety-sensitive work. The prohibitions set forth in these sections are broader than those stated in sections 655.32 and 655.33, which prohibit FTA-covered employees from consuming alcohol for four hours prior to performing a safety-sensitive function.

In response to this audit finding, revise the policy for compliance with sections 655.32 and 655.33. Should RTA wish to set prohibitions that are more restrictive than FTA's, they must be clearly designated as RTA policy, and FTA's prohibitions must also be stated.

FTA Rule Requirement:

Section 655.15(c) states that the policy statement must include: "specific information concerning the behavior and conduct prohibited by this part."

Section 655.32 states: "Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions."

Section 655.33 states: "(a) Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. (b) An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include: (1) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function. (2) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function."

Your Response:

Please See Attached Policy

[See Page 11, 13, and 14 of D and A Alcohol Free Workplace Policy](#)

Ques. # Action Date: 4/26/2023

20

Question: PRE-EMPLOYMENT DRUG TESTING: Does the procedure for an applicant or transferee who has previously failed or refused a DOT test include requiring evidence that the individual has successfully completed a referral, evaluation and treatment plan meeting DOT requirements?

Answer: Other. The policy implies that only applicants with a past DOT violation must receive a background check.

Supplemental Answer: The policy (Section 9.1) states: "To be considered for employment, transfer or promotion, all applicants who previously failed a pre-employment drug test are required to give consent to RTA for a background check of their previous USDOT-covered employer(s) over the past two (2) years as defined by 49 CFR 40.25." Prior to beginning a safety-sensitive function, all applicants or transfers who previously held a safety-sensitive function must receive the background check required by section 40.25.

In response to this audit finding, revise the policy for compliance with section 40.25.

FTA Rule Requirement: Section 655.41(a)(2) states: "When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in §655.62."

Section 40.25(b) states: "You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer: (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee."

Your Response:

The Pre-Employment section of the policy has been undated and revised using the FTA Policy builder and in compliance with section 40.25

Please see attached

See Page # 37 for red line strikes and corrections were made on page 24-25.

Ques. # Action Date: 4/26/2023

21

Question: PRE-EMPLOYMENT DRUG TESTING: Does the policy include the provision that a covered employee who has not performed a safety-sensitive duty for 90 or more consecutive days and has not been in the employer's random testing pool must take a pre-employment drug test with a verified negative result before returning to safety-sensitive duties?

Answer: Other. The policy states that this provision is applicable after 30 days.

Supplemental Answer: The policy (Section 6.4) states: "Any safety-sensitive applicant who undergoes a

pre-employment test, but is not actually assigned safety-sensitive duties, and is not in the random selection pool, within 30 days from the date of the test, will have to retest with negative test results prior to the applicants first performance of safety-sensitive duties." Per section 655.41(d), this provision is only applicable after 90 days for FTA-covered employees. Revise the policy accordingly.

FTA Rule Requirement:

Section 655.15(d) states that the policy statement must include: "the specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part."

Section 655.41(d) states: "When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result."

Your Response:

Please See Attached Policy

[See Page 25 you can find this within the last 2 paragraphs](#)

Ques. # Action Date: 4/26/2023

25

Question:

REASONABLE SUSPICION TESTING: Does the policy state that reasonable suspicion testing is required when a trained supervisor or company official has reasonable suspicion to believe that a covered employee has engaged in prohibited drug use or alcohol misuse, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the covered employee?

Answer: Other. The policy includes situations that are not cause for a FTA reasonable suspicion test.

Supplemental Answer:

The policy (Section 6.5) states: "Such facts and interferences may be based upon, but not limited to, the following . . . Abnormal conduct or erratic behavior while at work or a significant deterioration work in normal performance . . . A report of substance use provided by a reliable and credible source . . . Causing or contributing to a workplace accident." These situations are not cause for a FTA reasonable suspicion test.

In response to this audit finding, revise the policy for compliance with section 655.43.

FTA Rule Requirement:

Section 655.15(d) states that the policy statement must include: "the specific circumstances under which a covered employee will be tested for prohibited drugs or

alcohol misuse under this part."

Section 655.43 states: "(a) An employer shall conduct a drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. (b) An employer's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations."

Your Response:

This section of the policy was revised for compliance with section 655.43 using FTA's policy builder.

Please see attached

See Page 27 this can be located where you see the red tracked strikes in the middle of the page.

Ques. # Action Date: 4/26/2023

26

Question: POST-ACCIDENT TESTING THRESHOLDS: Does the policy state the FTA post-accident testing thresholds as follows: a fatality; bodily injury requiring medical attention away from the scene of the accident; one or more involved vehicles incurs disabling damage and is towed away; the public transportation vehicle is a rail car, trolley car, trolley bus, or vessel, and is removed from operation?

Answer: One or more required elements is missing or incorrect.

Supplemental Answer: The definition of a FTA accident provided in Appendix #1 implies that, in cases where RTA completely discounts an employee as a contributing factor to an accident, the event no longer meets a FTA post-accident threshold. This is incorrect. Even when an employee is completely discounted from testing, the event remains a FTA-defined accident. Revise the policy accordingly.

FTA Rule Requirement: Section 655.15(d) states that the policy statement must include: "the specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part."

Section 655.4 defines an "accident" as: "an occurrence associated with the operation of a vehicle, if as a result: (1) An individual dies; or (2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or (3) With respect to an occurrence in which the public transportation vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded

vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or (4) With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus, or vessel, the public transportation vehicle is removed from operation."

Your Response:

Please see attached

Revisions and new FTA approved language can be found on page 28.

Ques. # Action Date: 4/26/2023

27

Question: POST-ACCIDENT TESTING - FATALITY: Does the policy state that, in an accident involving a fatality, the following individuals must be tested: All surviving covered employees operating the public transportation vehicle at the time of the accident; and any other covered employees whose performance could have contributed to the accident?

Answer: Other. This provision is stated incorrectly.

Supplemental Answer: The policy (Section 6.6) states that an employee's performance can be discounted after an FTA-defined accident. While this provision is true following non-fatal accidents, per section 655.44(a)(1)(i), the operator may not be completely discounted following a fatal accident.

Similarly, the definition of a FTA accident provided in Appendix #1 incorrectly implies that an operator may be completely discounted following a fatal accident.

In response to this audit finding, revise the policy for compliance with section 655.44(a)(1)(i).

FTA Rule Requirement: Section 655.15(d) states that the policy statement must include: "the specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part."

Section 655.44(a)(1) states: "(i) As soon as practicable following an accident involving the loss of human life, an employer shall conduct drug and alcohol tests on each surviving covered employee operating the public transportation vehicle at the time of the accident. Post-accident drug and alcohol testing of the operator is not required under this section if the covered employee is tested under the fatal accident testing requirements of the Federal Motor Carrier Safety Administration rule 49 CFR 389.303(a)(1) or (b)(1). (ii) The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision."

Your Response:

Please see attached

Revisions can be found on page 28 old non-compliant language can be found at the top of page 29. In addition, you will find deletions of the same language at the bottom of page 29 throughout page 30 and at the top of page 31.

Ques. # Action Date: 4/26/2023

40

Question: REFUSALS: Does the policy state that failure to undergo a medical evaluation as required by the MRO or DER is a refusal?

Answer: Other. This refusal is stated for drug testing, but not for alcohol testing.

Supplemental Answer: In response to this audit finding, revise the policy to state the missing refusal.

FTA Rule Requirement: Section 655.15(g) states that the policy statement must include: "a description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy."

Section 40.191(a) states: "As an employee, you have refused to take a drug test if you: (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test."

Section 40.261(a) states: "As an employee, you are considered to have refused to take an alcohol test if you: (5) Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures outlined at §40.265(c)."

Your Response:

Please See Attached Policy

See page 16

This was updated and revised per FTA requirements.

Page 17 shows the old version.

Ques. # Action Date: 4/26/2023

49

Question: CONSEQUENCES FOR VIOLATIONS: Does the policy describe the consequences for a covered employee who has a verified positive drug test result, a confirmed alcohol test result of 0.04 or greater, or refuses to submit to a test; including immediate removal from safety-sensitive duty and referral to a Substance Abuse Professional?

Answer: Other. The policy does not clearly differentiate between DOT and RTA consequences.

Supplemental Answer: While DOT consequences are correctly stated, numerous sections of the policy impose additional consequences that are not clearly designated as being implemented under RTA's authority. For instance, Sections 6.0, 6.2, and 6.7 state that employees with DOT violations will be placed on "administrative leave without pay," which is not a DOT consequence. Revise the policy to clearly indicate consequences that are implemented under RTA's authority.

Additionally, the policy (Section 13.1) conflates RTA's EAP with a Substance Abuse Professional (SAP). SAP is a DOT-specific term that must not be conflated with a substance abuse program implemented under RTA's authority. Revise the policy accordingly.

FTA Rule Requirement: Section 655.15(h) states that the policy statement must include: "the consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40."

Your Response:

Please See Attached Policy

[See page 43 revised on page 42](#)

Ques. # Action Date: 4/26/2023

53

Question: EMPLOYER-SPECIFIC ELEMENTS: If the employer implements elements of an anti-drug or alcohol misuse program that are in addition to those required by Part 655, are such elements clearly described as being based on the employer's independent authority?

Answer: No.

Supplemental Answer: The policy (p. 6) describes employees who are safety-sensitive under RTA authority, and under the authority of USDOT (both FTA and FMCSA). However, throughout the policy, these categories of safety-sensitive employees are not properly distinguished. DOT provisions can often be read to apply to non-DOT employees, and non-DOT provisions can often be read to apply to DOT employees. Additionally, FTA provisions are incorrectly applied to FMCSA-covered employees.

For example, the policy (Section 4.1) states: "Under 49 CFR 655.21, all safety-sensitive employees will be tested for prohibited drugs . . ." This phrasing implies that all three categories of safety-sensitive employees (RTA-covered, FTA-covered, and FMCSA-covered) are subject to Part 655, which is a regulation that applies only to FTA-covered employees.

In response to this audit finding, thoroughly revise the policy so that it correctly distinguishes between RTA, FTA, and FMCSA authority. Ensure the term "safety-sensitive" is used in an accurate manner that does not confuse the various authorities.

FTA Rule Requirement: Section 655.15(j) states: "The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part."

Your Response:

In response to this audit finding, the policy is thoroughly revise the so that it correctlydistinguishes between RTA, FTA, and FMCSA authority. to Ensure the termsafety-sensitive" is used in an accurate manner that does not confuse the various authorities listed in the Drug and Alcohol Policy

Please See Attached Policy

[See page 12 paragraph 2](#)

Ques. # Action Date: 4/26/2023

54

Question: PROVISIONS CONTRARY TO FTA or DOT REGULATIONS: Does the policy contain any provisions that are inconsistent with, contrary to, or that frustrate the requirements of

Part 655 or Part 40?

Answer: Yes, the following items are not compliant with FTA and DOT regulations.

Supplemental Answer: A) The policy (Sections 4.1 and 6.0) references "opiates." For consistency with changes made to Part 40, amend these references to read "opioids."

See page 21 with red strike. Page 11 shows revision

See page 17 revised on page 16

B) The policy (Section 5.4) states: "The following additional circumstances constitute a test refusal and verified positive by an applicant/employee." Similarly, Section 13.B states: "For drug and alcohol testing, an employee who refuses . . . to submit to a drug or alcohol test when required by this policy will be considered to have tested positive." A refusal is different from a positive test, even though they have the same consequences. Revise these statements accordingly.

See page 20 all red strikes

C) The policy (Section 5.8) provides an incomplete list of entities to which drug and alcohol records can be released. Remove this section from the policy, or revise it to accurately reflect sections 40.321, 40.323, 40.331, and 655.73.

See page 21 1st paragraph and bottom of page

D) The policy (Section 6.0) states that an MRO shall be a certified medical doctor. An MRO may also be a Doctor of Osteopathy. Remove this statement from the policy, or revise it to accurately reflect section 40.121(a).

See page 21 2nd to last paragraph

E) The policy (Section 6.0 and Appendix #1) states that laboratory confirmatory testing is performed using Gas Chromatography/Mass Spectrometry (GC/MS). Since all laboratories do not use GC/MS testing procedures, either remove these statements or verify the process used by your primary laboratory and any laboratories that may be used to perform split specimen testing and ensure that your policy accurately reflects this/(these) process(es).

See page 21 paragraph # 5

F) Similarly, the policy (Appendix #1) states: "Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five (5) Substance Abuse and Mental Health Services Administration (SAMHSA) drugs." This is inaccurate. Remove this statement from the revised policy.

See page 22 first and second paragraph

G) The policy (Section 6.0) states: "Additionally, positive test results will be submitted to the Louisiana Office of Motor Vehicles, or appropriate licensing entity of the jurisdiction in which the employee is licensed, in accordance with State and Federal laws." Release of FTA records to this sort of entity is not permitted, per section 655.73. Remove this statement from the revised policy.

See page 23 second to last paragraph

H) The policy (Section 6.2) states: "All breath-alcohol test results will be reported only by a MRO or BAT." MROs do not report breath-alcohol test results. Revise the policy accordingly.

See page 26 updated on page 40

I) The policy (Section 6.4) discusses split specimen testing as a subsection of pre-employment testing. This formatting suggests that split specimen testing is applicable only to pre-employment testing. Remove this section from the revised policy, or move it to a place that correctly indicates it is applicable to all DOT testing.

See page 26 located by the red strikes

J) The policy (Section 6.4) states that if the split specimen fails to reconfirm the results of the primary specimen, both tests are canceled. The split specimen test is a continuation of the primary specimen test, and thus, only one test is canceled. Revise the policy accordingly.

See page 30 paragraph 3

K) The policy (Section 6.6) states: "Operation of a vehicle does not include operation of the lift." This is inaccurate. Remove this statement from the revised policy.

See page 30

L) The policy (Section 6.6) states: "Ancillary services include non-revenue service commercial motor vehicles and vehicles used by armed security personnel." Ancillary vehicles do not include those used by armed security personnel. Remove this statement from the revised policy.

See page 30

M) The policy (Section 6.6) states: "If RTA is unable to perform a USDOT or non-USDOT drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), may use drug and alcohol post-accident test results administered

by State and local law enforcement officials (49 CFR Part 40)." This provision is stated in 49 CFR Part 655, rather than 49 CFR Part 40. **Revise the policy accordingly.**

See page 32 above 7.0 N) The policy (Section 6.7) states: "All USDOT-regulated safety-sensitive employees with a MRO-verified positive or non-negative on a drug or alcohol test upon their first occurrence shall be immediately removed from their safety-sensitive position . . . and referred to a SAP, in accordance with 49 CFR 655." Non-negative test results also include canceled tests, which do not warrant these consequences, per section 40.207(a)(1). **Revise the policy accordingly.**

See page 33 O) The policy (Section 6.8) states: "A return-to-duty breath alcohol test result of 0.02 or greater will be considered the second alcohol violation test within a five-year period." Similarly, Appendix #1 defines a negative alcohol test as a "test result which indicates a breath alcohol concentration of less than 0.02," implying that a result of 0.02 or greater is a DOT violation. DOT violations include breath alcohol test results of 0.04 or greater, not 0.02 or greater. **Revise the policy accordingly.**

See page 33 P) The policy (Section 6.8) states: "For any USDOT (FTA) safety-sensitive employee, a confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and in violation of this policy and the requirements in 49 CFR Part 655 for safety-sensitive employees, which includes a mandatory SAP referrals are not permitted for results for less than 0.02, or for results of 0.02 to less than 0.04. SAP referrals." Typos in this section prevent it from clearly describing DOT requirements for SAP referrals. **Remove this statement from the policy, or revise it to clearly reflect DOT requirements.**

See page 37 Q) The policy (Section 9.2) provides an incomplete list of records retention requirements. **Remove this section from the policy, or revise it for compliance with section 655.71.**

See page 39 R) The policy (Section 10.1) states that employee training must also include "manifestations and behavioral cues that may indicate prohibited drug use." This is not a FTA-required element of employee training. Should RTA wish to provide training on these topics, it must be in addition to the 60-minute training requirement of section 655.14(b). **Revise the policy accordingly.**

See page 41 D S) The policy (Section 13.C) states: "If the employee continues to allege an inability to provide a sufficient amount of breath for the test, RTA shall be notified that the employee has refused to be tested." This case may not be deemed a refusal until the employee has undergone a medical evaluation, per section 40.265(c)(1)(iv)(B). **Revise the policy accordingly.**

See page 41 T) The policy (Section 13.C) states that employees unable to provide a sufficient amount of breath for an alcohol test will be directed to obtain an evaluation within 72 hours from a licensed physician . . . " In this case, employees must be directed to obtain a medical evaluation within five days, per section 40.265(c). **Revise the policy accordingly.**

Pages 46-61 Can now be found in our
Safety and health Handbook

See Page 46-61

U) The policy (Appendix #1) states that alcohol tests may include blood screening. Blood tests may not be used for a DOT alcohol test, per section 40.277. **Revise the policy accordingly.**

See Page 46-61 V) The policy (Appendix #1) states: "Qualified Negative, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use." This definition does not reflect Part 40 and **must be removed from the policy.**

See Page 46-61 W) The policy (Appendix #1) lists the term "Substance Abuse Counselor" without an accompanying definition. To avoid conflating this term with the subsequently defined "Substance Abuse Professional (SAP)," remove "Substance Abuse Counselor" from the revised policy, or provide an accurate definition.

See Page 46-61 X) The policy (Appendix #1) provides an incomplete list of the organizations that may certify a drug and alcohol counselor qualified to act as a SAP. **Remove this definition from the policy, or revise it for compliance with section 40.281(a).**

FTA Rule Requirement: Section 655.15(j) states: "The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required

by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part."

Your Response:

Please See Attached Policy



U.S. Department
of Transportation

Federal Transit
Administration

Headquarters

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

September 5, 2023
Presented Electronically

Ms. Lona Hankins
Chief Executive Officer
New Orleans Regional Transit Authority
2817 Canal Street
New Orleans, LA 70119

RE: FTA Drug and Alcohol Compliance Auditing Program

Dear Ms. Hankins,

The Federal Transit Administration has reviewed the responses of the New Orleans Regional Transit Authority (RTA) to the formally-submitted findings of the Drug and Alcohol Compliance Audit Team. Provided that all policies and procedures implemented in response to the audit are fully adopted, the Federal Transit Administration finds RTA to currently be in compliance with the federally-mandated Drug and Alcohol Testing Program.

It is important for you and your organization to diligently maintain all aspects of the drug and alcohol testing program so all will remain in compliance in the future.

Thank you for your cooperation and for being prompt in your response. Please let me know at any time if I can be of further service to you.

Sincerely,

Lyon Rosario
Sr. Drug and Alcohol Program Manager
FTA Office of Transit Safety and Oversight

Electronic cc:

Shalome Jenkins, New Orleans Regional Transit Authority
Michael J. Smith, New Orleans Regional Transit Authority
Mark Major, New Orleans Regional Transit Authority
Gisele Banks, New Orleans Regional Transit Authority
Gail Lyssy, FTA Region VI Administrator
Donald Koski, FTA Region VI
Laura Wallace, FTA Region VI
Sharon Coats, FTA Region VI
Loretta Bomgardner, FTA Office of Transit Safety & Oversight
Melonie Barrington, FTA Office of Transit Safety & Oversight
Patrick Mannion, USCG
Mike Redington, USDOT/Volpe Center
Lori DeCoste, USDOT/Volpe Center
John Spelman, Cahill Swift, LLC



RESOLUTION NO: _____

STATE OF LOUISIANA
PARISH OF ORLEANS

AUTHORIZATION TO AMEND RTA DRUG AND ALCOHOL POLICY (HC23)

Introduced by Commissioner _____ seconded by Commissioner _____

WHEREAS, in response to a Request for Proposals, a professional services agreement was authorized by Resolution 22-015 and subsequently executed with Progressive FTA standards with the Direction to prepare an effective Drug and Alcohol Policy; and

WHEREAS, the RTA wishes to adhere to the Drug Free Workplace Act of 1988 and in compliance with the FTA mandates that would ensure a safe workplace for our employees and safety to our customers; and

WHEREAS, on February 23, 2021, the RTA Board of Commissioners approved RTA Drug and Alcohol Policy HC23; and

WHEREAS, on September 27, 2022 the RTA Board of Commissioners amended RTA Drug and Alcohol Policy HC23 to incorporate a second chance provision; and

WHEREAS, the amended changes to the Drug and Alcohol Policy for our employees is a crucial factor in the compliance and safety outlined by the FTA, aligning their interests with those of RTA, and enforcing a safe and healthy workplace environment; and

WHEREAS, it is important to periodically review and update our Drug and Alcohol practices to ensure compliance and safety in the workplace, to reflect changes in FTA standards, and to address evolving safety and compliance needs; and

WHEREAS, on September 5, 2023, FTA determined RTA's amended Drug and Alcohol Policy to be in compliance; and

WHEREAS, the results of the revised Drug and Alcohol Policy have been reviewed by RTA staff and presented to the Board of Commissioners; and

WHEREAS, the Board of Commissioners has thoroughly examined and evaluated the proposed updated FTA mandated Drug and Alcohol Policy, considering a range of factors including RTA's safety, compliance, and FTA regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Regional Transit Authority hereby approves and adopts the amended Drug and Alcohol Policy with implementation effective December 14, 2023.

RESOLUTION NO: _____

PAGE TWO

THE FOREGOING WAS READ IN FULL; THE ROLL WAS CALLED
ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:	_____
NAYS:	_____
ABSTAIN:	_____
ABSENT:	_____

AND THE RESOLUTION WAS ADOPTED ON THE 14th DAY OF DECEMBER, 2023

MARK RAYMOND JR.
CHAIRMAN
RTA BOARD OF COMMISSIONERS

Drug and Alcohol Free Workplace

(HC23)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is dedicated to maintaining a workplace environment free from the effects of illegal drugs or alcohol to protect the health and safety of our employees, citizens and visitors. To promote this goal, all employees must report to work in a condition to perform their very best. By doing so, we will ensure a working environment that remains safe and productive. RTA is focused in continuing to create a workplace free of substance abuse without jeopardizing valued employees' job security. In addition, RTA has developed a Second Chance / Last Chance Policy regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interests of all employees covering the RTA transit system. (Refer to Section 11 and APPENDIX#4)

Refer to the Contact Section for the Drug and Alcohol Program Administrator (DAPM) / Designated Employer Representative (DER) for RTA (See APPENDIX #3) .

In meeting this goal and expectation, it is our policy to:

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

This Drug and Alcohol-Free Workplace Policy strengthens and reaffirms our commitment to the safety of our customers and employees. RTA holds all employees accountable in terms of substance use but also supports substance abuse assistance for employees. In addition, it confirms our dedication to maintaining a drug and alcohol-free workplace by enforcing a drug and alcohol-free workplace policy that is consistent with safety, accountability, and high expectations.

PURPOSE

The purpose of this policy is to share RTA's philosophy and procedures for maintaining a drug and alcohol-free workplace. It provides a process for conducting screening of job applicants and employees for illegal drugs, improper use of prescription drugs, and alcohol. In addition, it is intended to ensure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. -An employee



who receives a positive drug screening test result may lead to disciplinary action up to and including termination. Refer to HC17 RTA Termination of Employment Policy.

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect New Orleans Regional Transit Authority's Policy. These additional provisions are identified by **bold text to represent RTA's Company Policies and Standards**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All New Orleans Regional Transit Authority employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify RTA's Drug and Alcohol Department no later than five days after such conviction.

This policy is also intended to comply with the New Orleans Regional Transit Authority (RTA) testing authority and all applicable United States Department of Transportation (USDOT) regulations 49 CFR Parts 382, 655, and 40. Part 382 requires employers to test for illegal use of controlled substances and misuse of alcohol for drivers who are required to obtain or maintain a commercial driver's license (CDL). Part 655 requires that transit employees who maintain, operate, or control the movement of transit vehicles be tested for controlled substances and alcohol. Part 40 sets standards for collection and testing of urine and breath specimen. Moreover, in relation to the third party operation of RTA's ferry service, this policy is also intended at providing oversight over the operation's contractual obligations and compliance with the Chemical Testing Program regulations (46 CFR Parts and 16:33 CFR PART 95; and 49; CFR Part 40). As published by the U.S. Coast Guard ("USCG") and the USDOT, and as interpreted by the USCG'S "Marine Employee Drug Testing Guidance".

This policy ensures that all testing is conducted in a manner that protects the rights of employees and applicants subject to testing.

RTA takes all necessary steps to safeguard the dignity of those being tested and ensures adherence to all procedures pertaining to the implementation of this policy. RTA adheres strictly to all standards of confidentiality and ensures that testing records and results are released only to those authorized to receive such information.

RTA contracts the services of a Substance Abuse Professional (SAP) through its Employee Assistance Program (EAP). Employees can inquire through Human Resources to connect with a Care Coordinator. The Care Coordinator will make an assessment and refer the employee to a qualified SAP as mandated by the USDOT, when applicable. Refer to HC23 RTA Employee Assistance Program Policy.

The employee should complete the attached “Employee Notification and Acknowledgement” form upon receipt of a copy of this policy. Employees who are under the age of 18 must provide a parent/guardian signature for participation in RTA’s Drug and Alcohol Free Workplace Program as a condition of employment.

Please contact the designated Drug and Alcohol Program Administrator (DAPA) should you have questions about this policy. SEE APPENDIX #3

APPLICATION

This policy applies to every person, including an applicant or transferee, who performs or will perform a “safety-sensitive function” as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver’s license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

A volunteer is a covered employee if:

- (1) the volunteer is required to have a commercial driver’s license to operate the vehicle;
or
- (2) the volunteer performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred



DRUG AND ALCOHOL DEPARTMENT CONTACT INFORMATION

New Orleans Regional Transit Authority has a Drug and Alcohol Department that is able to assist with all questions and concerns. You may contact the department 24 hours for accident issues, safety concerns related to drug use, reasonable suspicion and emergencies to self-report. @ 504-827-8375.

See APPENDIX #2 for a list of covered positions by job title. Employees serving in designated positions that host covered safety-sensitive functions are also required to meet guidelines set by the USDOT, Federal Transit Administration (FTA), the Federal Motor Carrier Safety Administration (FMCSA), and RTA.

ADOPTED BY:

The RTA Board of Commissioners on 12/12/2023, Resolution .

APPROVED BY:

Lona Edwards Hankins
Chief Executive Officer

Effective Date: 2/23/2021
Revised: 9/27/2022
Date of Last Review: 11/27/2023

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APPLICATION-COVERED EMPLOYEES

Under FTA, a Regional Transit Authority employee is performing a safety-sensitive function if:

- *Operating a revenue service vehicle, whether or not such vehicle is in revenue service.*
- *Controlling dispatch or movement of a revenue service vehicle.*
- *Maintaining a revenue service vehicle or equipment used in revenue service. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment.*
- *Operating a non-revenue service vehicle when required to be operated by a holder of a CDL.*
- *Carrying a firearm for security purposes.*
- *Supervising, where the supervisor performs any functions listed above.*

Under FMCSA, an employee is performing a safety-sensitive function if they are:

- *Driving a commercial motor vehicle which requires the driver to have a CDL.*
- *Inspecting, servicing, or repairing any commercial motor vehicle.*
- *Waiting to be dispatched to operate a commercial motor vehicle.*
- *Performing all other functions in or upon a commercial motor vehicle.*
- *Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded.*
- *Performing driver requirements associated with an accident.*
- *Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.*

In addition to being subject to all other elements of this policy, employees who perform “safety-sensitive functions” for (RTA), as that term is defined in 49 CFR 655.4, are subject to random drug and alcohol testing and other special requirements set forth in this policy. Generally, a safety-sensitive function occurs when an employee is performing, ready to perform, or immediately available to perform such function.

Under RTA’s direction, an employee is performing a safety-sensitive function if:

- RTA has a compelling need on the basis of safety to ascertain on the job impairment on the part of employees who hold the position.
- Such a compelling need may arise where the duties of a position creates or are accompanied by such a great risk of injury of such magnitude to self, other persons or to property that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

The Regional Transit Authority has evaluated the actual duties performed by employees in all job classifications and determined which employees perform covered safety-sensitive functions. A list of identified safety-sensitive positions is included in this policy. Any new job classification will be assessed to determine if the new position is to be considered safety sensitive under the RTA or USDOT authority. RTA will review job classifications from a safety-sensitive perspective triennially.

1.0 PROHIBITED SUBSTANCES/BEHAVIOR

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All FTA-covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All FTA-covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All FTA-covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All FTA-covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

1.1 LEGAL DRUGS

The appropriate use of legally-prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before performing safety-sensitive work-related duties.

The misuse or abuse of legal drugs to include drugs prescribed to someone else while performing New Orleans Regional Transit Authority business is prohibited. For USDOT drug testing, if the Medical Review Officer (MRO) determines that an employee has a legitimate medical reason for the presence of a prohibited drug in their urine specimen, the (MRO) will report the test result as negative to RTA. However, the MRO may also medically disqualify an employee from performing safety-sensitive duties because of medication use. For further information, see 49 CFR 40.135(d).

2.0 ALCOHOL AND DRUG USE

Under 49 CFR 655.31, covered FTA-designated safety-sensitive employees will be tested for drugs and/or alcohol in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return-to-duty/follow-up. All safety-sensitive applicants and transfers into safety-sensitive positions will also be pre-employment tested for drugs. In addition, RTA requirements involves non-safety-sensitive employees to be subject to a non-USDOT post-accident or reasonable suspicion test will be tested.

No employee shall report for work or remain on duty while having an alcohol concentration of 0.04 or greater. For covered USDOT safety-sensitive employees, a breath alcohol concentration of 0.04 or greater shall be prohibited to perform any safety-sensitive function.

Section 655.31(b) "Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function."

All employees, to include USDOT (FTA) safety-sensitive employees, are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. The employee must acknowledge the use of alcohol and the inability to perform his/her safety sensitive function anytime they are called to duty to perform a safety-sensitive function. Any covered safety-sensitive employee who acknowledges the consumption of alcohol but indicates that they are fit to perform their safety-sensitive function must first take an alcohol test showing an alcohol concentration of less than 0.02.

Any RTA employee, to include designated FTA safety-sensitive employees, with a confirmatory breath alcohol test result of 0.02 or greater but less than 0.04 will be relieved from performing safety-sensitive functions for eight (8) hours or until retesting below 0.02, whichever occurs first. The employee will be subject to discipline. A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and in violation of this policy and the requirements in 49 CFR Part 655 for safety-sensitive employees.

Any RTA employee designated FMCSA safety-sensitive with a confirmatory breath alcohol test result of 0.02 or greater but less than 0.04 will be relieved from performing safety-sensitive functions for at least 24 hours and subject to disciplinary action up to and/or including termination.

The consumption/use of beverages containing alcohol or alcohol-infused substances including any medication, food, candy, or any other product such that alcohol is present in the body while performing any duty or any RTA business, regardless of safety-sensitive function is prohibited. Under the direction of RTA's company policy, employees who hold safety-sensitive positions must not consume alcohol 8 hours prior to the beginning of their shift, while on call, and while performing safety-sensitive functions.

2.1 COMPLIANCE WITH TESTING REQUIREMENTS

All RTA safety-sensitive employees will be subject to urine drug testing as a condition of employment. (If 49 CFR 40.67 is amended to include oral fluid specimen testing the RTA will allow oral fluid testing exclusively for post-accident, reasonable suspicion, shy lung and shy bladder protocol). Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately and subject to disciplinary action up to and including termination. *Observed collections will be conducted as outlined under Section 6.1 of this policy and in compliance with 49 CFR 40.67.* A medical review officer (MRO)-verified adulterated or substituted drug test result will result in termination and the covered employee shall be provided contact information for a qualified Substance Abuse Professional.

All employees and applicants must follow the collection procedures outlined below for specimen identification.

- A. At the collection site and prior to providing a specimen, the applicant/employee must provide a photo identification (such as a valid driver's license, work ID, passport, or other)
- B. Applicant/employee must present to the collection site representative:
 1. An appointment form (Drug Test Authorization Form); and

2. The chain of custody form. The collection site representative must complete the chain of custody form.
- C. Applicant/employee must initial the seals on the specimen containers after the seals have been applied to the specimen containers.
- D. *All employees are required to go for a drug/alcohol testing immediately upon notification. Any employee, who fails to go to the testing center (except for pre-employment testing) within a reasonable time, as determined by New Orleans Regional Transit Authority, will be subject to disciplinary action up to and including termination. All employees who refuse to go for a drug test will be disciplined up to including termination. Employees cited for alcohol use are subject to disciplinary action up to and including termination.*

3.0 TEST REFUSALS

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety sensitive functions and referred to a credentialed Substance Abuse Professional **and or termination from duties**. Being referred to a Substance Abuse Professional does not guarantee immediate access to RTA's Second Chance Last Chance Program.

Refusals to test are listed in 49 CFR Part 40 (as amended): 49 CFR 40.191 (as amended) for drug tests, and 49 CFR 40.261 (as amended) for breath tests. An up-to-date copy of 49 CFR Part 40 is available upon request.

- (1) Fail to appear/transported for any test (except a pre-employment test) within a reasonable time, as determined by New Orleans Regional Transit Authority.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or New Orleans Regional Transit Authority for drug testing.

- (7) Fail to undergo a medical evaluation as required by the MRO or New Orleans Regional Transit Authority's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

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

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

Testing Criteria:

- Drug testing can be performed any time a safety-sensitive employee is on duty.
- Reasonable suspicion, random and follow-up alcohol testing can only be performed when a safety-sensitive employee is actually performing a safety-sensitive duty, just before, or just after the performance of a safety-sensitive duty.
- Under New Orleans Regional Transit Authority and USDOT, reasonable suspicion testing can only be performed by authorized officials when articulable behaviors and characteristics are documented and suggest probable drug and/or alcohol use.

3.1 VOLUNTARY TREATMENT OPPORTUNITY

Under RTA's direction, all employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under the RTA's direction, any employee who has a drug and/or alcohol use problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the company's Drug and Alcohol Program Administrator. Once the employee comes forth, the DAPA will assist in referring the individual to a substance abuse counselor for evaluation and treatment. Or the employee may utilize the EAP benefits if applicable. This action must be taken before a disciplinary matter develops and/or before notification for a required test, will be subject to return-to-duty and follow-up testing under RTA direction (using

non-USDOT testing paperwork). The purpose of the return-to-duty testing is to provide a degree of assurance that the employee is drug and alcohol free, i.e., the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse. However, employees may be subject to additional random testing under RTA's authority in efforts to make sure the employee upholds their sobriety.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a substance abuse/misuse rehabilitation program facilitated through the support and direction of RTA's Drug and Alcohol Program Administrator DAPA and their combined recommendations.

The employee must be referred to the RTA's EAP and evaluated by a credentialed verified Substance Abuse Counselor and pass a return-to-duty test. A return-to-duty test will include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions. Once returned and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of follow-up testing from the EAP/substance abuse counselor.

Any RTA employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty testing will be subject to termination pending the outcome of a pre-termination hearing. The cost of any treatment or rehabilitation services will be paid for by the employee directly or by their insurance provider if applicable. Employees will be allowed to take accumulated sick leave, vacation leave and PTO to participate in the prescribed rehabilitation program if they have enough of these benefits built in the system. Any follow-up testing will be apart and in addition to participation in the random testing program per RTA'S policy. (Refer to the bold text for RTA's policy)

3.2 TESTING PROCEDURES

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

The RTA contracts with an outside vendor to provide certified U.S. Department of Health and Human Services (DHHS) collection sites and to monitor each site for compliance with USDOT standards. The vendor provides services relative to the Maintenance of a Drug and Alcohol-Free Workplace Policy including the provision of the MRO services.

Urine drug testing and breath testing for alcohol may be conducted under the RTA's authorization, using non-Federal forms, or as required by federal regulations.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the DHHS. All testing will be conducted consistent with the procedures in 49 CFR Part 40, as amended. Copies of 49 CFR Part 40 is available for review by employees by contacting the DER. An electronic version of 49 CFR Part 40 is also available for download at the Office of Drug and Alcohol Policy and Compliance website (<https://www.transportation.gov/odapc/part40>).

All drug testing laboratory results will only be reported to an MRO. An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test. Before verifying that an employee has a positive test result, the MRO is responsible for contacting any such employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate medical explanation for the positive test result.

An employee who has an MRO-verified positive for an illegal drug use will be subject to discipline up to and including termination. We are a Second Chance Last Chance Organization but reserve the right to make decisions based on a host of factors which will be on an individual basis. **An RTA covered USDOT safety-sensitive employee who test positive for alcohol or who refuses a drug or alcohol test will be removed from any safety-sensitive function, placed on administrative leave without pay and disciplined or up to termination.**

If the MRO determines that an employee has a legitimate explanation for a positive test result, the MRO will report the test result as negative. The MRO's designee may make the initial contact with the employee to set-up an appointment to speak with the MRO, but only the MRO is permitted to discuss the test result with the employee. If, after reasonable efforts, the MRO or



MRO representative and RTA are unable to reach the employee directly, the MRO may render a final determination of positive without review.

Under the New Orleans Regional Transits Authority, an employee terminated based on a confirmed positive/split specimen may appeal his/her termination directly to the Chief Human Resources Officer. The appeal must be in writing and submitted within five (5) days from the date of termination or the date the employee is aware of the termination. (Note: Since the MRO will have determined a test positive, adulterated, or substituted, the Human Resources Department will not typically be in the position of disputing the findings of the MRO).

RTA Employees terminated based on a finding of obstruction will not be considered for future employment with New Orleans Regional Transit Authority prior to two (2) years. After the 2-year mark it is still under the discretion of RTA's authority, if that person will and can be considered for future hiring. This determination is based on the safety of our customers, and we reserve the right to make careful decisions when it pertains to previous drug and alcohol offenses. If hired the employee will need to be on an extended probationary period up to twelve (12) months or beyond. In addition, the employee must be willing to complete the return to duty process as well as any other FTA mandated processes at their own expense.

3.3 OBSERVED COLLECTIONS

Consistent with the requirements in 49 CFR 40.67, an immediate urine specimen collection under direct observation (by a person of the same gender) with no advance notice will be conducted. ***Please refer to DOT Rule 49 CFR Part 40 Section 40.67***

3.4 BREATH-ALCOHOL TESTING

Breath-alcohol testing will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained Breath-Alcohol Technician (BAT). If the initial test indicates a breath-alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.

A covered safety-sensitive employee who has a confirmatory breath alcohol test result of 0.02 or greater will be immediately removed from safety-sensitive duties until the breath-alcohol concentration measures less than 0.02. Or, until at least eight hours is passed Under RTA jurisdiction, a safety-sensitive employee with a confirmatory breath alcohol test result with a concentration of 0.02 or greater, but less than 0.04 may also be suspended for up to 30 days (30) days without pay, placed on six (6) month probation, and must go through and EAP referral with receipt.

A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and a violation of this policy and federal requirements in 49 CFR Part 655 (FTA-covered).

Upon any safety-sensitive employee's first occurrence of a confirmed positive drug test result; or a confirmatory breath alcohol test result of 0.04 or greater; or refusal to submit to a drug or alcohol test, will be immediately removed from their safety-sensitive position. **Under RTA's company policy employees will be placed on indefinite administrative leave without pay and or up to termination** and referred to an SAP for assessment and referral in accordance with 49 CFR Part 40 as outlined in section 11.

Non-safety-sensitive employees are exempt from USDOT regulations included in this policy but are governed under the RTA's own policy and testing authority.

3.5 EMPLOYEE REQUESTED TESTING

Any employee, including USDOT (FTA and FMCSA) safety-sensitive employees, who question a positive adulterated or substituted test result of a required drug test identified in this policy may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. If an employee requests split sample testing, the split sample test will occur regardless of up-front payment, but the **RTA reserves the right to seek reimbursement from the employees pay unless the result of the split sample testing invalidates the result of the original test.**

The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. Non-safety-sensitive employees are exempt under USDOT regulations, but the RTA's own policy authority regulates adherence.

3.6 PRE-EMPLOYMENT TESTING

Pre-employment drug tests are conducted after making a contingent offer of employment or transfer. A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.



A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Under the RTA's own authority, receipt by the RTA of a verified negative drug test is required as part of a pre-employment drug test prior to hire and before performance of a non-safety-sensitive function or safety sensitive function not regulated by USDOT.

A verified positive pre-employment drug test will disqualify an applicant for employment, and they will be referred to a SAP. Any safety-sensitive applicant who undergoes a pre-employment test, but is not actually assigned safety-sensitive duties, and is not in the random selection pool, within 30 days from the date of the test, will have to retest with negative test results prior to the applicant's first performance of safety-sensitive duties.

Under RTA's authority, a non-USDOT pre-employment/pre-transfer test will also be performed any time an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position.

An applicant who does not pass the drug test as required will not be considered for employment for a two-year (2) period following the date of the test. In addition must be able to provide a DOT/FTA approved Substance Abuse evaluation and be willing to complete the process of separate testing as prescribed by the SAP professional at their financial responsibility. This including other deciding factors based around the safety of our customers will not be solidified but on a case-by-case basis.

3.7 REASONABLE SUSPICION TESTING

All covered employees shall be subject to a drug and/or alcohol test when New Orleans Regional Transit Authority has reasonable suspicion 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 by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. This information shall be filled out and identified on the "Reasonable Suspicion Report Form."

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing 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.

3.8 POST-ACCIDENT TESTING

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by New Orleans Regional Transit Authority using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by New Orleans Regional Transit Authority using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered 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.

Under FMCSA authority, mandates that drug and alcohol tests must be conducted on any surviving drivers or other employee whose performance could have contributed to the accident if:

- The accident involved a fatality; OR
- The driver receives a citation under State or local law for a moving traffic violation arising from the accident; AND
- Any involved vehicle requires towing from the scene; OR
- Any person involved requires medical treatment away from the scene of the accident.

In addition to the thresholds, listed, under RTA's authority, any employee, to include safety sensitive supervisors and non-safety sensitive employees, involved in a vehicular or non-vehicular incident may be required to take a non-USDOT post-accident drug and alcohol test following an accident/incident. In this case, the accident or incident does not need to meet FTA or FMCSA defined thresholds.

3.9 RANDOM TESTING

The USDOT, FTA regulation (49 CFR 655.45) and RTA requires random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse 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. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Based upon RTA's business operations, random testing is conducted on all days and hours during which safety-sensitive functions are performed.

Under (FMCSA), as well as RTA safety-sensitive employees, can be tested at any time for drugs during an employee's shift (i.e. beginning, middle, and end). Random alcohol testing may only be performed just before, during, or just after the actual performance of safety-sensitive functions.

Under RTA's authority, supervisors are required to proceed and transport employees immediately and directly to the collection site upon notification of their random selection. The failure to proceed immediately for testing or taking unreasonable time to report for testing, forewarning and employee and tampering with the testing process may result in disciplinary action, up to and including termination.

4.0 RETURN TO DUTY AND FOLLOW-UP TESTING

4.1 RETURN TO DUTY TESTING

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug test result and/or an alcohol test result of less than 0.02. RTA will ensure that the individual has completed a qualified Substance Abuse Professional's treatment/education requirements. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

4.2 FOLLOW-UP TESTING

Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any

subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing 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. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

This testing is in addition to any required random, reasonable suspicion, post-accident and pre-employment testing. **Any follow-up breath-alcohol test result of 0.02 or greater will result in discipline up to and including termination per RTA Policy.**

Note: Reasonable suspicion, random, and follow-up alcohol testing shall be conducted 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.

5.0 PRESCRIPTION AND OVER-THE-COUNTER MEDICATION DRUG USE

In the interest of protecting employees and the general public, any RTA employee designated USDOT safety-sensitive must make sure that any prescribed drug or any combination of drugs being taken will not adversely impact their job performance. It is the employee's responsibility to consult with medical professionals to ensure that the employee's job duties will not be adversely impacted by prescribed medication. Any employee under the influence of prescribed medication that may impact safety-sensitive duties must notify their immediate supervisor in advance of performing safety-sensitive duties.

It is the responsibility of the safety-sensitive employee, when selecting an over-the-counter medication, to read all warning labels before selecting it for use while in a working status. Medications whose labels indicate they may affect mental functioning; motor skills or judgment should require significant consideration before use.

Ultimately, the employee may be the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to refrain from using any over-the-counter medication that causes performance-altering side effects, whether or not the label warns of them.

Employees who experience medication side effects or do not feel fit for duty, regardless of medications or previous approvals, must consult their personal physician and immediately refrain from performing hazardous activities, including all safety-sensitive functions. If the use

of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, etc.) to avoid unsafe workplace practices.

If the employee's use of a prescription or over-the-counter drug endangers the employee, co-workers or the public, or has contributed to an accident, the employee may be subject to discipline, up to and including termination, under RTA authority.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of RTA's drug-free workplace policy to intentionally misuse and/or abuse prescription medications, including taking a medicine prescribed to another person, such as a family member. Appropriate disciplinary action up to and including termination will be taken if an employee tests positive for a prescription drug for which the employee does not have a current, valid prescription.

6.0 EMPLOYEE ASSISTANCE PROGRAM

6.1 GENERAL

RTA's EAP offers help for employees to improve or maintain job performance by assisting with support to resolve personal problems. A component of the program is to help employees who may be experiencing some type of personal problem related to drug and/or alcohol addiction. Refer to HC23 RTA Employee Assistance Program Policy.

7.0 RECORDS MANAGEMENT

According to 49 CFR Parts 655 and 40, each as amended, the following minimum record retention schedule shall be maintained by **New Orleans Regional Transit Authority**. Sometimes, additional records will be kept to thoroughly document the decision-making process.

Record Retention Schedule

Drug testing records shall be kept using the following guide:

Record	Retention Period (Years)
<ul style="list-style-type: none"> Alcohol Tests Results < 0.02 Records of Negative Test Results 	1
<ul style="list-style-type: none"> Education and Training Records Evidential breath device calibration documentation 	2
<ul style="list-style-type: none"> Information obtained through previous employer record checks 	3
<ul style="list-style-type: none"> Records of covered employee verified positive drug test results. Alcohol test results with readings of 0.02 or greater Documentation of refusal to take required drug or alcohol test. Documentation of employee disputes Employee evaluation and referrals Annual MIS reports 	5

8.0 EMPLOYEE AND SUPERVISOR TRAINING

8.1 GENERAL

All safety-sensitive employees will undergo a minimum of one (1) hour of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment.

8.2 SUPERVISORS

Supervisors will receive an additional 1 hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

9.0 MINIMUM THRESHOLDS

The DHHS establishes the minimum threshold levels for each of the five drugs tested for under USDOT testing programs including the FTA. Minimum levels are established for both the initial screening test and for the confirmatory test. A sample of urine provided by the

employee/applicant is used to test for the presence of any of the drugs or drug metabolites. Federal government regulations and the USDOT testing guidelines mandate cutoffs for a minimum quantity of drug or alcohol that must be detected in the initial test and also in the confirmation test. When the initial test results reach the minimum cutoff limit, a confirmation test is conducted using the cutoff limits established for the confirmation test.

10.0 DILUTE URINE SPECIMEN

If there is a negative dilute test result, New Orleans Regional Transit Authority will conduct one additional retest immediately. The result of the second test will be the test of record. This second test is not under direct observation unless there is a reason other than the test was deemed/verified positive dilute and requires direct observation testing.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

10.1 SPLIT SPECIMEN TEST

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. New Orleans Regional Transit Authority guarantees that the split specimen test will be conducted in a timely fashion.

11.0 DISCIPLINE AND CONSEQUENCES FOR VIOLATIONS

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

11.1 TREATMENT/DISCIPLINE

Per New Orleans Regional Transit Authority, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be subject to disciplinary action up to and/or including termination. An employee may be found to have a verified positive on the basis of any appropriate evidence including, but not limited to:

- A. An employee who tests for alcohol will receive a referral to a substance abuse counselor (0.02 to 0.039 result). This will be followed up by the Drug and Alcohol department to ensure the employee is back in compliance and in good standing. An employee subject to DOT testing will be referred to an SAP (0.04 result or above).**
- B. For drug and alcohol testing, an employee who refuses (outlined in section 3.0) to submit to a drug or alcohol test when required by this policy will be considered to have tested positive. This voluntary refusal by the employee will be followed by a termination with no consideration for re-hire or the grievance process.** An employee who is subject to post-accident testing who unnecessarily leaves the scene of an accident before a required test is administered, fails to remain readily available for testing, including notifying the employer of his or her location prior to submission to the test, will be considered to have refused the test.
- C. If the employee claims to be unable to provide a urine specimen, the employee shall remain at the designated collection site until the specimen is provided or three hours have passed, whichever occurs first. If the employee is unable to provide such a quantity of urine, the employee will be urged to drink up to 40 ounces of fluids distributed reasonably through a period of up to three (3) hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. If the employee is still unable to provide an adequate specimen after three (3), testing shall be discontinued, and DER shall be notified. The employee will be directed to obtain, within five (5) working days, an evaluation from a licensed physician acceptable to the MRO, or from the MRO, if appropriate. If there is not a medical reason acceptable to the MRO for the employee's inability to provide the urine, the employee will be considered to have refused to submit to the drug test. *Exception: those non-USDOT-designated RTA employees requiring a reasonable accommodation may attach an oral test.***
- D. Any employee summoned for the following test (Random Test, Post Accident, Reasonable Suspicion or Fit for Duty) under the RTA policy is mandated to be transported to the testing location by a superior for their testing process. Failure to comply with company policy will result in assuming a test refusal. NOTE: Any testing refusal will be disqualified to be a part of RTA's Second Chance/Last Chance Program.**

Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program, or employees who are subject to the return-to-duty provisions as outlined in the policy, will be required to undergo a return-to-duty

test, and will also be tested on an unannounced and periodic basis for drugs and/or alcohol up to 60 months following their return to work. Employees will be required to submit to a minimum of six (6) follow-up tests within the first 12 months of resumed duty. Should an employee have a result of 0.02 to less than 0.04 on a follow-up test, there is no DOT violation and thus an SAP referral is not permitted. Any follow-up breath-alcohol test result of 0.02 or greater *will result in the employee being recommended for termination per RTA's policy.*

E. ***SEE APPENDIX #4 for RTA's Last Chance Agreement for employee terms and condition.***

NOTE: The completion of the SAP process does not guarantee job status but must be completed to garner safety sensitive employment elsewhere and to retain your CDL.

11.2 CONSEQUENCES OF A VERIFIED POSITIVE

RTA is a second chance/last chance organization. However, this does not excuse all circumstances that result in a positive test. Rules and requirements are set in place to be considered as follows: **An employee will be up for consideration that has been employed with the New Orleans Regional Transit Authority for a minimum of 5 years in a safety sensitive position, if on their first occurrence of a verified positive for drugs and/or alcohol after a random or reasonable suspicion test may retain employment with RTA if their return would not endanger public health, safety, or national security.** The employee will be subject to disciplinary action as outlined below:

- I. Immediate removal from safety sensitive duties
- II. **Placed on 30-day suspension or greater for violation of the Drug Free Workplace policy**
- III. **Agree to and sign the Last Chance Agreement see (Appendix # 4)**
- IV. The employee must be referred to a credentialed Substance Abuse Professional and evaluated by the SAP and must pass a return-to-duty test before the employee can return to duty. The employee must have a verified negative drug test result and/or a breath alcohol test result of less than 0.02 before returning to their safety-sensitive functions. Note: The length of this process is based on the treatment plan given by the SAP. Once an employee is returned and as a condition of ongoing employment, the employee must follow the prescribed, recommended frequency and duration of follow-up testing from the SAP. **Any RTA employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty testing will be subject to immediate termination. The cost of any treatment or rehabilitation services will be paid for by the employee directly or by their insurance provider. This will be agreed upon before entry into the Second Chance/Last Chance Program. Employees will be allowed to take accumulated sick leave, vacation time and PTO to participate in the prescribed rehabilitation program after they have satisfied the 30 day suspension or greater as stipulated above.**

Any follow-up testing will be apart and in addition to participation in the random testing program.

Any employee who has a verified positive or refuses a drug and/or alcohol for post-accident, return to duty, or follow-up testing will be subject to termination per RTA's authority.

11.3 VOLUNTARY SELF-REFERRAL

Under the company's policy, any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Drug and Alcohol Program Manager (See APPENDIX #4) who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will be immediately removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

All self-referrals are viewed individually. Many factors are presented and considered when determining whom the financial responsibility will fall on. The employer has the discretion, to decide who pays for rehabilitation services and if the employee can use paid/unpaid leave during the rehabilitation program. No negotiation is up for consideration upon the matter of company payments for employees. The employee must have enough time accrued in their balance or personal funds to complete this program successfully. Failure to meet all requirements will result in no consideration as a good candidate for continuance.

12.0 GRIEVANCE AND APPEAL

The consequences specified by 49 CFR 40.149 (a)(5) and (c), as amended, for a positive test or test refusal are not subject to arbitration.

13.0 FLOWCHART

N/A

14.0 REFERENCES

- Drug – Free Workplace Act of 1988, Drug and Alcohol Fact Sheet
- Designated Safety Sensitive Position covered by USDOT.
- Designated Safety Sensitive Position non-covered by USDOT
- HC17 RTA Termination of Employment Policy
- HC24 RTA Employee Assistance Program Policy

15.0 ATTACHMENTS

- APPENDIX #1 Drug and Alcohol Fact Sheet **REFER TO THE SAFETY AND HEALTH HANDBOOK** Updated 10/16/2023.
- APPENDIX #2 Designated Safety Sensitive Positions Covered under USDOT
- APPENDIX #3 Contact Person
- APPENDIX #4 Last Chance Agreement

16.0 PROCEDURE HISTORY

12/11/2020 Interim Executive Committee approval granted.

12/15/2020 Interim Board approval granted.

2/4/2021 Final Executive Committee approval granted.

2/23/2021 Final Board approval granted.

9/27/2022 Final Board approval granted.

- Amended to include second chance program.

12/14/2023 FTA Updated Drug and Alcohol Policy

- Amended to include second chance program.

17.0 SPONSOR DEPARTMENT

- Human Capital

APPENDIX #1:

DRUG AND ALCOHOL FACT SHEET

REFER TO THE SAFETY AND HEALTH HANDBOOK Last Updated October 16, 2023

APPENDIX #2

New Orleans Regional Transit Authority Designated Safety Sensitive Positions Covered under USDOT Federal Transit Administration (FTA) Regulations

This safety-sensitive list is inclusive but not limited to the positions noted. Testing is conducted using FTA Regulations.

Apprentice Tech	Mechanic Supervisor
Apprentice Traction Power	Mechanic-Bus Maintenance
Body Manager	Manager of Stations Operations
Body Repair Technician	Metal Worker
Body Repairman	Supervisor SIS
Bus Operator	Metal Worker-MOW
Carpenter Rail	Metal Worker-Shop
Communications Control Dispatcher	Operations/Maintenance Training Instructor
Dispatch Supervisor	Para Transit/Support Mechanic
Dispatch Supervisor of Paratransit	Paratransit Dispatcher
Dispatcher	Transit Supervisor Paratransit
Electrician	Paratransit Operator
Electronic Technician	Traction Power Technician
Hostler	Paratransit Router
Hostler-SIS	Rail Maintenance Technician
Lead Hostler	Rail Shop Supervisor
Lead Technician	Railway Worker
Machinist-Shop	Railway Worker-MOW
Maintenance Manager	Senior Transit Operations Supervisor
Manager of Maintenance Rail Shop	Service Delivery Manager
Manager of Mobility & Alternative Modes	Streetcar Operator
Manager of Operations Bus	Supervisor Body Repair
Manager of Operations Control	Supervisor Bus Maintenance
Manager of Operations Rail	Supervisor Hostler
Manager of Operations Support	Supervisor Maintenance of Way
Manager of Operations Training	Supervisor of Operations Control
Manager of Rail Maintenance MOW	Supervisor Para & Non-Rev Maintenance
Mechanic	Supervisor Shop
Rail Technician Machinist Apprentice	Supervisor Traction Power
Router	Lift Vehicle Operator



Supervisor of General Repair	Switch Repair Technician-MOW
Traction Power Tech Electrician	Transit Operations Supervisor
Transit Service Supervisor	Switch Repair Technician



APPENDIX #3

Contact Person

For questions about New Orleans Regional Transit Authority's anti-drug and alcohol misuse program, contact **Shalome Jenkins** DER, / DAPM @ 504-827-8375.

APPENDIX #4

New Orleans Transit Authority's Last Chance Employment Agreement

In lieu of terminating employment of an employee who tests positive for illegal substances or alcohol, New Orleans Regional Transit Authority provides the employee a final opportunity to agree to comply with all company policies and practices.

The following agreement is a commitment to the conditions of employment between New Orleans Regional Transit Authority (referred to herein as RTA) and

_____ (employee name). I, _____
(employee name) understand that as a result of my violation of the RTA's Drug and Alcohol Policy, I have been formally informed by RTA that my employment as of this date _____ is conditional regarding my compliance with the conditions enumerated below.

I agree to the following terms and conditions:

1. An evaluation by a Substance Abuse Professional (SAP), that has been approved by RTA; and DOT; and I will be suspended without pay on this date _____ indefinitely until the agreed goals for treatment are met. Understanding that I am a Safety Sensitive employee, and I cannot not preform my job duties until I am fully sober; and
2. Enrolled in a rehabilitation program that has been approved by RTA and/or the SAP, for professional treatment regarding my substance abuse problem; and documentation that this is ongoing therapy; and
3. Provide a negative result return-to-work/duty specimen for drug and/or alcohol that meets the requirements of RTA's Drug and Alcohol Policy, for substance abuse testing prior to my request to be reinstated as an employee of RTA. This specimen must be reported to RTA as an unadulterated "Negative", prior to my return to work; and with the understanding that follow up testing requirements will take place; and
4. Request to be reinstated for duty by RTA only after presenting a "recommendation" for a return to duty "signed by my treatment counselor; and upon final clearance from the Drug and Alcohol Departments Designated Employee Representative (DER); and
5. Follow the treatment prescribed by my treatment counselor to its conclusion; and
6. Consent to "follow-up" substance abuse test at the request of RTA for a period of up to 60 months; and
7. Be held responsible for the actual cost of any substance abuse testing and treatment required during this 60-month period. (This will not include standard FTA mandated Random Tests); and
8. Be subject to all other work rules including attendance, tardiness, and job performance issues; and

9. Employee will be expected to report to work following suspension (if applicable) at his/her regular scheduled time and date and be able and prepared to work; and
10. Employee understands that if she/he fails to meet the conditions of this Agreement, she/he will be terminated from employment (*the employee will not be considered for future hiring*). Meeting the conditions means that Employee will comply with all the performance and conduct standards expected of the organization's employees; and
11. Employee understands that this Agreement is not a contract or guarantee of continued employment for any specified period of time; and
12. Agree to sign a release of information statement to allow my treatment provider to report to RTA's DER any lapse or missed treatment sessions if applicable; and
13. Employer may immediately terminate Employee's employment for violations of this Agreement. The Employee waives the right to challenge through the grievance procedure, legal, or other means for termination or other discipline imposed under the terms of this Agreement, unless otherwise provided for in law; and
14. Employee understands and agrees that she/he has been afforded sufficient time to consider this Agreement and that signing this Agreement was of his/her own free will and with the benefit of representation, if so desired; and
15. This Agreement shall be valid and binding from the date of its signing and or until the completion of this program or termination for violation of the agreement. Employee's disciplinary record will remain in effect during and subsequent to the term of this Agreement in accordance with the terms of the Employer's personnel policies.
16. I understand that there is no definite assurance of job placement while out for treatment upon return.

Failure to comply with these conditions or a second positive test result, a refusal to test, missing a test, non-communication if absent and the employer attempts to contact with no return call, falsification of identity or an adulterated test result will be just cause for my immediate termination.

To be read to employee by RTA official: by signing below you are indicating that you understand this agreement. If you do not understand this agreement, I will be glad to explain it to you now. If you understand and agree to the conditions of this Last Chance Agreement and commit to comply with these conditions, and you understand that any violation of the above conditions, including another positive test result or refusal, will be grounds for termination of employment, please indicate such by signing your name, and today's date, below.

Employee Signature

Date

Witness – Supervisor

Date

Witness – RTA Official

Date



Board Report and Staff Summary

File #: 23-196

Operations & Administration Committee

Boardroom and Conference Room Use Policy (GEN5)

DESCRIPTION: To establish expectations for the use and maintenance of the second-floor board/conference rooms at the Canal Street Facility.

AGENDA NO: Click or tap here to enter text.

ACTION REQUEST: ☒ Approval ☐ Review Comment ☐ Information Only ☐ Other

RECOMMENDATION:

To authorize the execution and dissemination of a board policy GEN5.

ISSUE/BACKGROUND:

It is advantageous to have procedures and policies in place that support the RTA's objectives and mission. The board has demonstrated this effort with the adoption of multiple policies in the last three years. While there are policies that address the managing of agency assets like vehicles, and computers, there are no formal guidelines that specify how the board/conference room should be used, maintained, or managed. This policy sets out to provide precise instructions for addressing this issue.

DISCUSSION:

This policy outlines scheduling, who gets priority use of the board room, and the fundamental guidelines for using these areas, which are based on standard office processes and best practices. The policy also names the Board Office as the accountable entity for enforcing the policy's criteria.

FINANCIAL IMPACT:

The agency will not experience any financial consequences from formalizing this process. It will facilitate the more effective use of an agency resource and aid in the clarification of roles.

NEXT STEPS:

The next step will be the issuing of the policy agency-wide.

ATTACHMENTS:

1. Resolution
2. Policy GEN5

Prepared By: Yolanda Rodriguez
Title: Director, Office of Board Affairs

Reviewed By: Click or tap here to enter text.
Title: Click or tap here to enter text.

Click or tap to enter a date.

Mark Raymond, Jr.
Chairman
RTA Board of Commissioners

Date



Regional Transit Authority
2817 Canal Street
New Orleans, LA 70119-6301

504.827.8300

www.norta.com

RESOLUTION NO. _____
STATE OF LOUISIANA
PARISH OF ORLEANS

Boardroom and Conference Room Use Procedures

Introduced by Commissioner _____ seconded by Commissioner
_____.

WHEREAS, the Canal Street Facility is a multi-functional space that offers administrative and mechanical space for daily transit -related activities.

WHEREAS, the Canal Street location is also the location of meetings for the RTA Board of Commissioners and its Committees, and this policy is to serve as a guide to ensure that the space is used and managed appropriately.

WHEREAS, the RTA Board of Commissioners, their committees, advisor bodies, any interagency liaison group on which Board members serve in a decision-making capacity have priority use of the Board Room and Conference Room which is maintained by the Office of Board Affairs.

WHEREAS, the RTA board/conference room may be reserved by the Outlook Calendar which is managed by the Board Office on a first-come first served basis.

WHEREAS, it is the responsibility of all meeting participants to leave the rooms in the condition that it was found and any plans to relocate or replace the furniture in the boardroom or conference room must be arranged in advance through the Board Office or the IT Department for audio/visual assistance is needed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the RTA hereby adopt this Boardroom and Conference Room Use Procedures

Resolution No. _____
Page 2

THE FOREGOING WAS READ IN FULL, THE ROLL WAS CALLED ON THE
ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

AND THE RESOLUTION WAS ADOPTED ON THE 12th DAY OF DECEMBER 2023.

MARK RAYMOND, JR.
CHAIRMAN
BOARD OF COMMISSIONERS



Boardroom and Conference Room Use Policy

(GEN5)

POLICY STATEMENT

The Canal Street Facility is a multi-functional space that offers administrative and mechanical space for daily transit-related activities. The Canal Street location is also the location of meetings for the RTA Board of Commissioners and its Committees. This policy is to serve as a guide to ensure that the space is used and managed appropriately.

PURPOSE

The purpose of this policy is to set forth standards for the usage and upkeep of the Canal Street Facility's second-floor board and conference rooms, as well as set expectations for how the space should be used and maintained.

APPLICATION

All users, both internal and external of the conference rooms listed above.

ADOPTED BY:

The RTA Board of Commissioners on XX/XX/2023, Resolution XX-XXX.

APPROVED BY:

New Orleans RTA
Board of Commissioners

Effective Date: XX/XX/2023
Date of Last Review: X/XX/2023

1.0 POLICY – PRIORITY OF USE

The RTA Board of Commissioners, their committees, advisory bodies, and any interagency liaison group on which Board members serve in a decision-making capacity have priority use of the Board Room and Conference Room which is maintained by the Office of Board Affairs. In the event of a conflict with a scheduled Board meeting or Board-related event, users will be asked to switch to a different meeting location.

2.0 SCHEDULING AND AVAILABILITY

Only the Outlook room reservation system, which is managed by the Board Office may be used to make reservations for the board/conference rooms on a first-come first served basis. Departments and/or responsible staff members are expected to honor the reservation calendar and may not infringe upon another user's reserved meeting time.

3.0 RULES FOR USE

It is the responsibility of all meeting participants to leave the rooms in the condition in which they found them. Any plans to relocate or replace the furniture in the boardroom or conference room must be arranged in advance through the Board Office. Contact the Board Office or the IT Department if audio/visual assistance is needed. It is requested that users not change any of the audio or graphic settings in the boardroom. Wireless microphones are available at 24-hour advance notice. After the event, users are responsible for turning off the equipment and leaving the equipment ready for the next user. Food items consumed in the Board room are not to be eaten at the dais. All beverages brought into the Board Room must have a lid or cap. No decorations/displays may be affixed to the dais, the walls behind the dais, television screens, or light fixtures. No nails, tacks, staples, or glue is allowed in the Board Room. All meeting attendees must sign in at the guard's desk in the lobby, and security guards will allow entrance to persons attending the meeting. No alcohol, smoking, or weapons are allowed on the premises.

4.0 POLICY REVIEW

This policy is to be reviewed annually and/or revised as needed by the Board.

5.0 SPONSOR DEPARTMENT

Office of Board Affairs