

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 call 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

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TABLE OF CONTENTS

POLICY STATEMENT	1
PURPOSE	1-2
APPLICATION	3-4
TABLE OF CONTENTS	5-6
APPLICATION-COVERED EMPLOYEES	7
1.0 PROHIBITED SUBSTANCES/BEHAVIOR	8
1.1 LEGAL DRUGS	9
2.0 ALCOHOL AND DRUG USE	9-10
2.1 COMPLIANCE WITH TESTING REQUIREMENTS	10-11
3.0 TEST REFUSALS	11
3.1 VOLUNTARY TREATMENT OPPORTUNITY	12-13
3.2 TESTING PROCEDURES	14-14
3.3 OBSERVED COLLECTIONS	15
3.4 BREATH-ALCOHOL TESTING	15
3.5 EMPLOYEE REQUESTED TESTING	16
3.6 PRE-EMPLOYMENT TESTING	16-17
3.7 REASONABLE SUSPICION TESTING	17
3.8 POST-ACCIDENT TESTING	18-19
3.9 RANDOM TESTING	19
4.0 RETURN TO DUTY AND FOLLOW-UP TESTING	20
4.1 RETURN TO DUTY TESTING	20
4.2 FOLLOW-UP TESTING	21
5.0 PRESCRIPTION AND OVER-THE-COUNTER MEDICATION DRUG USE	21-22
6.0 EMPLOYEE ASSISTANCE PROGRAM	22
6.1 GENERAL	22
7.0 RECORDS MANAGEMENT	22-23
8.0 EMPLOYEE AND SUPERVISOR TRAINING	23
8.1 GENERAL	23

8.2 SUPERVISORS	23
9.0 MINIMUM THRESHOLDS.....	23
10.0 DILUTE URINE SPECIMEN	24
10.1 SPLIT SPECIMEN TEST	24
11.0 DISCIPLINE AND CONSEQUENCES FOR VIOLATIONS	24
11.1 TREATMENT/DISCIPLINE	25-26
11.2 CONSEQUENCES OF A VERIFIED POSITIVE	26
11.3 VOLUNTARY SELF-REFERRAL	27
12.0 GREIVANCE AND APPEAL.....	288
13.0 FLOWCHART	288
14.0 REFERENCES.....	28
15.0 ATTACHMENTS	28
16.0 PROCEDURE HISTORY	28
17.0 SPONSOR DEPARTMENT	28
APPENDIX #1: DRUG AND ALCOHOL FACT SHEET	29
APPENDIX #2 DESIGNATED SAFETY SENSITIVE POSITIONS.....	30
APPENDIX #3 CONTACT PERSON.....	31
APPENDIX #4 LAST CHANCE AGREEMENT	32-33

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 based on 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. Alternatively, 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.

- A. 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.
- B. 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 that 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 based on 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 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 based on 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), which 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