

**Article 17**  
**Alcohol and Drug-free Workplace**

- 17.1 **Alcohol and Drug-free Workplace:** Pursuant to CFR Title 49 Part 40.655, OMB Circular A-128, the Federal Drug Free Workplace Act of 1988, and the California Drug Abuse Free Workplace Act of 1990, VCTC shall provide a drug- and alcohol-free workplace. Employees and the public expect a drug and alcohol free working environment and VCTC has an obligation to ensure that employees perform their duties safely and effectively. During work hours, no employee shall have in their possession any open containers of intoxicating beverages, be under the influence of alcohol, consume alcohol, or have in his/her possession any illegal drugs in the workplace.
- 17.2 **Conviction of a Drug-related Offense:** Conviction of a felony for use, offer to sell, purchase or obtain, possession, sale, manufacture, distribution, or dispensation, of illegal drugs, or for abuse of legal drugs in the workplace, shall be grounds for imposing discipline, including termination of employment. Conviction of a misdemeanor for use, offer to sell, purchase or obtain, possession, sale, manufacture, distribution or dispensation of illegal drugs may also be grounds for disciplinary action up to and including termination of employment.

Employees must notify their immediate supervisor within 5 working days of any arrest or conviction of a criminal drug statute (whether a felony or a misdemeanor) and any arrest or conviction of a criminal statute relating to alcohol, including but not limited to driving under the influence. Failure to do so is grounds for disciplinary action.

- 17.3 **Reasonable Suspicion:** Upon reasonable suspicion of an employee being under the influence of illegal drugs or alcohol while on duty, VCTC may require the employee to submit to drug and alcohol testing, at VCTC's expense. Employees who decline to submit to such testing may be subject to discipline, up to and including termination of employment. If an employee is misusing alcohol or drugs, VCTC may refer the employee for treatment. This treatment may or may not be covered by VCTC's health plan or the treatment may be at the employee's own expense.
- 17.4 **Unlawful Behavior:** No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations during work hours or in the workplace.
- 17.5 **Inspections:** To fulfill its obligations to provide an alcohol- and drug-free workplace, to respond to alcohol or substance abuse complaints, and to investigate inappropriate behavior that may result from such abuse, the executive director may conduct inspections of VCTC property including, but not limited to the premises, employee desks and work areas, or electronic communication systems. Employees are expected to cooperate with such inspections.
- 17.6 **Reasonable Suspicion of Contractor Employees:** Should a VCTC employee observe inappropriate or suspicious behavior by an employee of a contractor providing safety-sensitive positions for VCTC-funded programs, the employee is immediately to get in touch with his/her supervisor and/or the appropriate contractor management to report the date, time, type of vehicle, and what was seen.

- 17.7 **Alcohol and Drug Policy:** The Commission has a vital interest in providing its employees with safe and healthful working conditions and providing riders and the public with high quality public transportation that is effective, safe and efficient, and therefore is committed to maintaining an illegal drug- and alcohol-free environment to protect employees, passengers, and the public. This policy prohibits the use, possession, sale, manufacture, distribution or dispensation of alcohol or illegal drugs in the workplace. VCTC will not tolerate any alcohol or illegal drug use which may affect job performance or pose a hazard to the safety and welfare of the employee, the public, or other VCTC employees. VCTC will also not tolerate any prescription drug use that may impair an employee's ability to perform safely and effectively on the job. Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale and impaired public relations. VCTC is therefore committed to maintaining a drug and alcohol-free environment to protect employees, passengers, and the public.
- 17.8 **Alcohol and Drug-free Workplace Awareness Program:** To assist employees to understand and to avoid the perils of alcohol and drug abuse, VCTC shall have an on-going educational effort to help prevent and eliminate alcohol and drug abuse that may affect the workplace. The Alcohol and Drug-free Workplace Awareness program includes the display and distribution of informational material and informs employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the consequences of alcohol and/or drug use on personal health safety and the work environment; (3) the manifestation and behavioral cues that may indicate alcohol and/or drug abuse; (4) VCTC's Alcohol and Drug-free Workplace Policy; (5) the availability of treatment and counseling and (6) possible sanctions for violating the Policy.
- 17.9 **Violations of the Policy:** Violations of this policy or interference with or attempts to prevent implementation or enforcement of this policy are subject to disciplinary action up to, and including, termination of employment.
- 17.10 **Safety-Sensitive Positions:** This policy complies with the Federal Transit Administration (FTA) regulations that mandate urine testing and breath alcohol testing for Safety Sensitive Employees and the U.S. Department of Transportation (DOT) standards for the collection and testing of urine and breath specimens. In addition, the DOT enacted The Drug-Free Workplace Act of 1998 (DFWA) which required the establishment of drug-free workplace policies and the reporting of certain drug related offences to the FTA. This policy incorporates those federal requirements. Safety sensitive employees must be free of job impairing substances while on duty, when reporting for duty, or when subject to duty. Currently VCTC does not have any safety-sensitive positions. Should it in the future have safety-sensitive positions, it shall comply with the policy in the attached appendices.

## **Appendix A**

### **Alcohol and Drug-free Workplace Policy for Safety-Sensitive Positions**

- A.1 **Alcohol and Drug-free Workplace:** Pursuant to OMB Circular A-128, the Federal Drug Free Workplace Act of 1988, and the California Drug Abuse Free Workplace Act of 1990, VCTC shall provide a drug- and alcohol-free workplace. Employees and the public should expect a drug and alcohol free working environment and VCTC has an obligation to ensure that employees perform their duties safely and effectively. During work hours, no employee shall have in their possession any open containers of intoxicating beverages, be under the influence of alcohol, consume alcohol, or have in his/her possession any illegal drugs.
- A.1.1 **Suspicion:** Upon reasonable suspicion of an employee being under the influence of illegal drugs or alcohol while on duty, VCTC may require the employee to submit to drug and alcohol testing, at VCTC's expense. Employees who decline to submit to such testing may be subject to discipline, up to and including termination of employment. If an employee is misusing alcohol or drugs, VCTC may refer the employee for treatment. This treatment may or may not be covered by VCTC's health plan or the treatment may be at the employee's own expense.
- A.1.2 **Unlawful Behavior:** No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations during work hours or in any workplace.
- A.1.3 **Inspections:** To fulfill its obligations to provide an alcohol and drug free workplace, to respond to alcohol or substance abuse complaints, and to investigate inappropriate behavior that may result from such abuse, the executive director may conduct inspections of VCTC property including, but not limited to the premises, employee desks and work areas, or electronic communication systems. Employees are expected to cooperate with such inspections. Violations of this policy or interference with or attempts to prevent implementation of this policy are subject to disciplinary action up to, and including, termination of employment.
- A.2 **Alcohol and Drug Policy:**
- A.2.1 **Policy Statement:** Ventura County Transportation Commission has a vital interest in providing its employees with safe and healthful working conditions and providing riders and the public with high quality public transportation that is effective, safe and efficient. VCTC will not tolerate any alcohol or drug use which may affect job performance or pose a hazard to the safety and welfare of the employee, the public, other VCTC employees.

Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale and impaired public relations. VCTC is therefore committed to maintaining a drug and alcohol- free environment to protect employees, passengers, and the public. Safety sensitive employees must be free of job impairing substance on duty when reporting for duty and subject to duty. With this objective in mind, VCTC

has established the following Policy with regard to the use, possession, sale, manufacture, distribution or dispensation of alcohol or drugs.

This policy complies with the Federal Transit Administration (FTA) regulations that mandate urine testing and breath alcohol testing for Safety Sensitive Employees and the U.S. Department of Transportation (DOT) standards for the collection and testing of urine and breath specimens. In addition, the DOT enacted The Drug-Free Workplace Act of 1998 (DFWA) which required the establishment of drug-free workplace policies and the reporting of certain drug related offences to the FTA. This policy incorporates those federal requirements.

- A.2.2 **Applicability:** This policy applies only as mandated by Federal Transit Administration (FTA) requirements. Accordingly, mandatory urine and breath alcohol testing program applies only to VCTC employees occupying safety sensitive positions such as bus drivers, dispatchers, bus driver supervisors, mechanics, mechanic supervisors and any other employee though course of employment required to hold a class B (formerly Class 2) driver's license. The policy also applies to volunteers required to hold a class B driver's license. The general drug and alcohol free workplace policies apply to all commission employees and volunteers when they are on VCTC property or when performing any VCTC business.

An employee violating this policy is subject to disciplinary action up to and including termination of employment.

A.2.3 **Responsibilities:**

A.2.3.1 **Employees:** Employees at all levels are responsible for reading, understanding and adhering to this Policy. Each employee shall receive a copy of this policy.

A.2.3.2 **Managers and Supervisors:** will be held strictly accountable for the consistent application and enforcement of the policy. Any manager/supervisor 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 discipline up to and including termination of employment.

A.2.4 **Definitions Used in the Policy:** The following phrases have specific meanings when used in this policy:

A.2.4.1 **Alcohol Misuse:** Occurs when an employee arrives at the work site with alcohol in his/her system or the odor of alcohol on his/her breath; consumes a beverage containing alcohol while on duty or subject to duty; or during coffee or lunch breaks; or is late to work or absent from work due to the consumption of alcohol.

A.2.4.2 **BAT:** Breath Alcohol Technician.

A.2.4.3 **Contract Service Provider:** A company or agency which provides mass transportation services under contract to VCTC.

A.2.4.4 **DHHS:** The United States Department of Health and Human Services.

A.2.4.5 **DOT:** The United States Department of Transportation

A.2.4.6 **Evidential Breath Testing (EBT) Device:** A device approved by the National Highway Traffic Safety Administration (NHTSA) for the

evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurements Devices."

- A.2.4.7 **FTA:** Federal Transit Administration.
- A.2.4.8 **Illegal Drug:** Any drug: (a) which is not legally obtainable; or (b) which is legally obtainable but has not been legally obtained or is not being used for its prescribed purposes.
- A.2.4.9 **Legal Drug:** Any drug prescribed by a physician for the employee or any over-the-counter drug which has been legally obtained which is being used for the purpose for which it has been prescribed of manufactured. A drug which is legally obtainable but has not been legally obtained or is not being used for its prescribed purposes is an illegal drug, not a legal drug, under this policy.
- A.2.4.10 **Medical Review Officer (MRO):** A licensed physician appointed by VCTC or contract service provider who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an employee's positive alcohol and/or drug test result and determine whether the employee has passed the test. The MRO will also determine (when such a determination is requested) whether an employee who is taking a legal drug(s) may work while under the influence of such drug(s). Although an employee may be terminated for any violation of this Policy, if an employee is suspended or placed on leave of absence, the MRO will determine when the employee may return to duty.
- A.2.4.11 **Positive Alcohol Test:** The presence of alcohol in a body at a concentration of 0.02 or greater as measured by an Evidential Breath Testing (EBT) Device.
- A.2.4.12 **Positive Drug Test:** Any urine that is chemically tested (screened and confirmed) which shows the presence of controlled substances and is verified by the MRO.
- A.2.4.13 **Safety Sensitive Position:** Any position which entails any duty related to the safe operation of VCTC's mass transportation service including: (a) operation of a revenue service vehicle, whether or not such vehicle is in revenue service; (b) controlling dispatch or movement of a revenue service or equipment used in revenue service; (c) maintaining revenue service vehicles or equipment used in a revenue service; (d) carrying a firearm for security purposes; or (e) supervising an employee who performs a function in (a) through (d) above. No VCTC position is classified as safety sensitive.
- A.2.4.14 **Substance Abuse Professional (SAP):** Unless otherwise noted, a VCTC authorized licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or a certified addiction counselor, with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.
- A.2.4.15 **Under the Influence:** The use of any alcohol beverage or any illegal drug or substance, or the misuse of any prescribed drug, in any manner and to a degree that impairs the employee's work performance or ability to use VCTC property or equipment safely.
- A.2.4.16 **Drug-free Awareness Program:** To assist employees to understand

and to avoid the perils of alcohol and drug abuse, VCTC shall have an on-going educational effort to help prevent and eliminate alcohol and drug abuse that may affect the workplace. The Drug-free Awareness program includes the display and distribution of informational material and informs employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the consequences of alcohol and/or drug use on personal health safety and the work environment; (3) the manifestation and behavioral cues that may indicate alcohol and/or drug abuse; (4) VCTC's Alcohol and Drug Policy; (5) the availability of treatment and counseling and (6) possible sanctions for violating the Policy.

**A.2.5 On-the-job Use, Possession, Sale, or Being Under the Influence of Alcohol or Drugs:**

**A.2.5.1 Alcohol:** The possession, consumption, or sale of any amount of alcoholic beverage while at work or on VCTC property is prohibited for all employees. Additionally, alcohol in an employee in a Safety Sensitive Position is prohibited at any time while she or he is on duty. Employees must refrain from alcohol consumption within 4 hours prior to reporting to work or during the hours that she or he is subject to duty. They must also refrain from alcohol use for 8 hours following an accident. Alcohol in an employee not in a Safety Sensitive Position while performing VCTC business or while on VCTC property is prohibited to the extent that such alcohol may have a material, adverse effect on the safety of that employee's co-workers, riders, or members of the general public, the employee's job performance, the safe, efficient operation of VCTC's facilities or VCTC image.

**A.2.5.2 Legal Drugs:** The use or being under the influence of a legal drug by any employee, while performing VCTC business or while on VCTC property, is prohibited to the extent that such use or influence may have a material, adverse effect on the safety of the employee, coworkers, riders, or members of the public, the employee's job performance, the safe and efficient operation of VCTC facilities, or VCTC image.

Additionally, an employee in a Safety Position must receive authorization from his/her supervisor prior to taking any legal drug which may cause drowsiness or which may otherwise impair to any extent the employee's ability to safely and efficiently perform his/her job. To obtain such authorization, an employee in a Safety Sensitive Position is required to: (1) have her/his doctor complete and sign Attachment A, Medical Authorization Regarding Prescription and Over-the-Counter Drugs," (2) attach a copy of the prescription or bottle label with the employee's name on it, and (3) submit the form to her/his supervisor.

The supervisor may authorize the employee to work while under the influence of a legal drug upon receipt of a fully completed and signed authorization form which states to the executive director's satisfaction that the employee will not be impaired in the performance of her or his

duties. However, VCTC retains the right to not authorize an employee to take a legal drug while on duty or to revoke any previous authorization, despite the submission of a completed authorization form, if VCTC's MRO so advises. VCTC in its discretion, may request the MRO to issue an independent decision as to whether an employee in a Safety Sensitive Position may work while under the influence of a legal drug. VCTC may request such an independent decision, which will be binding on the employee, at any time and to any employee in a Safety Sensitive Position who is working or intends to work while under the influence of a legal drug. In making such an independent determination, the MRO is not bound in any way by the opinion of the employee's personal doctor and may require the employee to submit to a physical examination by a VCTC or Contract Service Provider-selected physician to ensure that the drug does not impair job performance.

If the MRO determines that an employee in a Safety Sensitive Position should not work while under the influence of the legal drug, or if the employee fails to obtain authorization to take such drug from her or his supervisor in accordance with these provisions, the employee may be required to take a leave of absence or comply with other appropriate action determined by management and will be subject to discipline.

**A.2.5.3 Illegal Drugs:** The use, sale, purchase, offer to sell or purchase, transfer, possession, manufacture, distribution, or dispensation of an illegal drug by an employee while in a VCTC facility or on VCTC property or while performing VCTC business or performing contracted service for VCTC is strictly prohibited. The use and ingestion of illegal drugs or metabolites is prohibited at all times, whether on or off duty.

No employee shall bring drug paraphernalia which is used in the storage, concealment, injection, ingestion or consumption of illegal drugs onto VCTC premises or property.

**A.2.6 Alcohol and Drug Testing:** At its discretion, VCTC may conduct alcohol and drug testing when circumstances warrant or may be required by applicable law or regulations. Accordingly a positive alcohol or drug test administered under this Policy is a violation of this Policy and will result in disciplinary action including termination.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing (EBT) device operated by a qualified Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmed alcohol concentration of 0.02 or greater will be considered a positive test and a violation of this policy. The testing procedure is described in Attachment D.

Drug testing is a two-stage process utilizing a urine specimen. First a screening test using an immunoassay technique is performed. If it is positive for one or more drugs, a confirmation test is performed for each identified drug using

state-of-the-art gas chromatography/ mass spectrometry (GC/MS) analysis. The testing procedure is described in Attachment D.

Pursuant to the DOT and FTA regulations, the drugs or classes of drugs to be tested are as follows:

Amphetamines/methamphetamine  
Cocaine  
Marijuana  
Opiates (Morphine, Codeine, Heroin)  
Phencyclidine (PCP)

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be subject to discharge proceedings. Any employee who is unable to provide the required volume of breath without a valid, verified medical reason, who does not report to the collection site in the time allotted, or leaves the scene or an accident without valid reason before tests have been conducted, will be considered to have refused the test and will be in violation of this Policy.

The privacy of the employees shall be protected at all times. VCTC will adhere to all standards of confidentiality regarding employee testing.

**A.2.6.1 Pre-employment and Transfer to a Safety-Sensitive Position**

**Testing:** At its discretion, VCTC may conduct pre-employment physical examinations and testing practices designed to prevent hiring persons who use illegal drugs and/or persons whose use of alcohol or legal drugs indicates a potential for impaired or unsafe job performance. An individual will not be hired unless the individual passes an alcohol and drug test administered in accordance with this Policy. If an applicant does not pass an alcohol and drug test, he or she must wait twelve (12) months before reapplying and then must present evidence of completion of an alcohol and/or drug rehabilitation program which is acceptable to VCTC before she or he is eligible to apply.

An employee who is transferred to a Safety Sensitive Position must first pass an alcohol and drug test administered in accordance with this Policy. The actions specified in section XI.B will apply if the test results are positive for alcohol or an illegal drug.

**A.2.6.2 Testing at Time of DMV Recertification or Annual or Biannual Physical Examination For a Safety Sensitive Position:**

VCTC will require an alcohol and drug test as part of an employee's DMV Recertification examination or, for any employee who is not required to be DMV certified, at her or his annual biannual physical examination as applicable.

**A.2.6.3 Reasonable Suspicion Testing:** VCTC will require an alcohol and drug test of any employee who is reasonably suspected of violating this Policy, including but not limited to, any employee suspected of

possessing, using or being under the influence of an illegal drug, a legal drug if such use would violate this Policy, or alcohol while on duty or on VCTC property. Examples of reasonable suspicion include, but are not limited to the following:

- Physical signs and symptoms consistent with prohibited substance abuse, or misuse of alcohol, e.g., odor of alcohol, slurred speech, or lack of coordination.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- Occurrence of a serious or potentially serious industrial accident that may have been caused by the employee's use of alcohol or drugs.
- Fights (to mean physical contact), assaults, and flagrant disregard or violation of established safety, security, or other operating procedures.

A.2.6.4 **Post-accident Testing:** An employee who either contributed to, or cannot be completely discounted as a contributing factor to, an accident involving a VCTC contracted vehicle or VCTC revenue service vehicle whether or not on VCTC business, may be administered an alcohol and drug test at the discretion of VCTC. And will be tested if the following occurs:

- Resulted in death or physical injury requiring treatment by a medical treatment facility.
- Resulted in property damage, will be required to take an alcohol and drug test.

A decision will be made as to whether to administer an alcohol and drug test after an accident by a supervisor who was not involved in the accident, and based on the best information available at the time. Following an accident, the employee(s) shall be tested immediately, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing. Any employee(s) who leaves the scene of the accident without prior authorization will be considered to have refused the test and could be subject to termination.

A.2.6.5 **Return-to-Duty/Follow-up Testing:** Generally, an employee may be terminated for any violation of this Policy. However, in the event an employee is suspended or placed on a leave of absence for a violation of this Policy, she or he may not return to work until she or he passes an alcohol and drug test and the SAP has evaluated the employee to determine whether the employee has followed the recommendation of the SAP including participation in a rehabilitation program.

An employee who is placed on a leave of absence following her or his entry into the EAP for substance abuse problems must pass an alcohol and drug test and must execute the Behavioral Contract (Attachment B) before she or he may return to duty. This contract allows Management the option to administer unannounced alcohol and/or drug tests to the

employee for up to 5 years after the employee returns to duty. Follow-up testing is separate from and in addition to the regular random testing of safety-sensitive employees.

A.2.6.6 **Random Testing:** Only those employees who perform or whose job description includes the performance of safety-sensitive functions will be subject to random, unannounced testing using a computer-based random-number selection method in accordance with FTA regulations. Random testing may include an alcohol test, a drug screen or both. Each such employee shall have an equal chance at selection and shall remain in the pool even after being tested. Random Testing will be administered at random times during the day to avoid predictability.

A.2.6.7 **Employee Requested:** After notification by the MRO or the Manager/Supervisor of a confirmed or verified positive drug test result, an employee may request that an additional test be conducted at a different DHSS-certified laboratory specified by VCTC. The test shall be conducted on the split sample that was provided at the same time as the original or primary sample. The employee's request must be made to the MRO or manager/supervisor within 72 hours of notice of the initial results.

All costs for the employee-requested testing, including the transportation of the split specimen to the secondary laboratory, shall be paid by the employee. The second test will be a test only for the presence of the prohibited substance(s) in the specimen.

A.2.7 **Off-the-Job Involvement with Alcohol or Drugs:** Off-the-job use of alcohol or illegal drugs which results in an employee being under the influence of alcohol or drugs while on duty is considered "on-the-job" use of alcohol or drugs and will be treated accordingly.

A.2.8 **Conviction of a Drug-related Offense:** Conviction of a felony for use, offer to sell, purchase or obtain, possession, sale, manufacture, distribution, or dispensation, of illegal drugs, or for abuse of legal drugs in the workplace, shall be grounds for imposing discipline, including termination of employment. Conviction of a misdemeanor for use, offer to sell, purchase or obtain, possession, sale, manufacture, distribution or dispensation of illegal drugs may also be grounds for disciplinary action up to and including termination of employment.

Employees must notify their immediate supervisor within 5 working days of any arrest or conviction of a criminal drug statute (whether a felony or a misdemeanor) and any arrest or conviction of a criminal statute relating to alcohol, including but not limited to driving under the influence. Failure to do so is grounds for disciplinary action.

A.2.9 **Inspections:** When there is reason to believe that an employee or group of employees may be in possession of alcohol or illegal drugs on VCTC property, the employee(s) is (are) required, as a condition of employment, to submit to reasonable inspections of clothing, personal containers, purses, lunch boxes, briefcases or other containers (while on VCTC property). As a condition of

employment, refusal to consent to an inspection upon appropriate request by a VCTC will result in termination of employment.

An inspection must be authorized by the executive director or a High-level Contract Service Provider manager/director.

**A.2.10 Disciplinary Actions for Violation of the Policy:** In general, violation of any portion of this Policy may result in termination of employment.

**A.2.10.1 Failure to Pass Pre-Employment Alcohol and/or Drug Test:**  
An applicant whose test results are positive for alcohol or illegal drug will not be hired.

**A.2.10.2 Failure to Pass Transfer, Reasonable Suspicion, Post Accident, Return-to-Duty, or Random Alcohol and/or Drug Test:**

- **FTA Requirements:** A safety-sensitive employee who has a positive alcohol or drug test shall be immediately removed from duty. Furthermore, a safety-sensitive employee who has a verified positive drug test or an alcohol concentration of greater than .04 shall be referred to a SAP for evaluation and informed of available educational and rehabilitation programs.
- **VCTC Requirements:** Employees transferring into a Safety Sensitive Position who fail an alcohol/drug test shall not be allowed to transfer into that position and will be referred to a SAP for evaluation and informed of available educational and rehabilitation programs. An employee in a Safety a Safety Sensitive Position whose test results are positive for alcohol or illegal drugs will be discharged. Positive alcohol and drug test results for any employees not in a Safety Sensitive Position will be reviewed on a case-by-case basis to determine the appropriate level of discipline, which may include discharge. Any employee in a Safety Sensitive Position whose test results are positive for a legal drug which has not been approved by VCTC for use by that employee at work (or such authorization has been revoked) may be suspended without pay pending the employee obtaining such approval. It is mandatory for an employee in a Safety Sensitive Position to obtain approval by submitting a completed medical authorization form (Attachment A) to her or his supervisor within 48 hours. Upon receiving VCTC's approval, the employee may return to duty, but will be subject to further discipline including termination if he or she commits any further violation of this Policy. Additionally, discipline will be applied for failure to submit the Attachment A form. If the employee fails to timely obtain such approval, he or she can be terminated.

**A.2.10.3 Failure to Pass Drug or Alcohol Test at Time of DMV Recertification or Annual or Biannual Physical Examination:**

- **FTA Requirements:** A safety-sensitive employee who has a positive alcohol or drug test shall be immediately removed from

duty. Furthermore, a safety-sensitive employee who has a verified positive drug test or an alcohol concentration of greater than .04 shall be referred to a SAP for evaluation and informed of available educational and rehabilitation programs.

- **VCTC Requirements:** If an employee's test results at the time of DMV Recertification or an annual or biannual physical examination are positive for alcohol or any legal drugs, the employee will be suspended without pay and required to enter into an Alcohol and Drug Behavioral Contract (Attachment B). Pursuant to such contract, the employee must enter a VCTC approved substance abuse treatment program and provide verification of such to VCTC. If the employee refuses to comply with VCTC's requirement to enter a VCTC approved Substance Abuse Program and sign a Behavioral Contract, her or his employment will be terminated.

If an employee is participating in a VCTC approved treatment program, and that treatment requires hospitalization, the employee may use available sick leave and/or vacation time to the extent sick leave and/or vacation time is available. All such treatment must be documented by the hospital.

The employee must take a follow-up alcohol and drug test when, designated by VCTC, not sooner than 30 days and no longer than 35 days from the date of the first test. If the employee does not take the second test when and as designated by VCTC his or her employment will be terminated.

If the second test is positive for any alcohol or illegal drug, the employee's employment will be terminated. If the second test is negative, then the employee may return to duty on behavioral Contract. Violation of the contract will result in termination.

Should the employee have a positive alcohol or drug test at any subsequent DMV Recertification or annual or biannual physical examination, his or her employment will be terminated.

If an employee's test results at the time of DMV Recertification or annual or biannual physical examination are positive for a legal drug, the action taken by VCTC or Contract Service Provider is as previously described.

A.3 **Condition of Employment:** Compliance with VCTC's Alcohol and Drug Policy is a condition of employment for all employees as described above. Failure or refusal of an employee to cooperate fully or follow any prescribed course of substance abuse treatment could lead to termination of employment.

A.4 **Reservation of Rights:** VCTC reserves the right to interpret, change or rescind this Policy in whole or part without notice. Nothing contained in this Policy alters an employee's status which, for any employee not covered by a collective bargaining agreement or other written employment contract, is at-will. At-will employment

means that the employee remains free to resign his or her employment at any time and for any or no reason and VCTC retains the right to terminate the employee at any time, for any reason, without notice as applicable.

**Appendix A**  
**ATTACHMENT A**  
**MEDICAL AUTHORIZATION REGARDING**  
**PRESCRIPTION AND OVER-THE-COUNTER DRUGS**

I, \_\_\_\_\_ (physician's name) am aware of the job duties of  
\_\_\_\_\_ (employee's name) at Ventura County Transportation Commission

I have supplied for such employee the medication below on:

Dosage: \_\_\_\_\_ Duration to be Taken: \_\_\_\_\_

Instructions for use: \_\_\_\_\_

Condition Medication is being used to Treat: \_\_\_\_\_

It is my opinion that, if taken in accordance with the above directions, the medication should not materially impair the employee's ability to perform his/her job competently and safely.

Physician's Signature: \_\_\_\_\_

Physicians Name (Printed) \_\_\_\_\_

Physician's Telephone Number: \_\_\_\_\_ Date: \_\_\_\_\_

---

**TO BE COMPLETED BY EMPLOYEE:**

I HEREBY AUTHORIZE VENTURA COUNTY TRANSPORTATION COMMISSION TO OBTAIN INFORMATION FROM MY PHYSICIAN ABOUT THIS AUTHORIZATION. I UNDERSTAND THAT IS MY OBLIGATION TO INFORM VENTURA COUNTY TRANSPORTATION COMMISSION OF ANY MEDICATION I INTEND TO TAKE FOR REVIEW AND DETERMINATION OF MY ELIGIBILITY FOR WORK.

Employee Signature: \_\_\_\_\_

Employee's Name Printed: \_\_\_\_\_

Identifying Number: \_\_\_\_\_

Date: \_\_\_\_\_

EMPLOYEE MUST ATTACH A COPY OF PRESCRIPTION INSTRUCTIONS OR PRESCRIPTION LABEL AT THE TIME THIS FORM IS FILED WITH THE SUPERVISOR.

---

**HUMAN RESOURCES**

- Reviewed for multiple medications
- Date Received \_\_\_\_\_
- Time Received \_\_\_\_\_
- Approved
- Not Approved
- Initials \_\_\_\_\_

**Appendix A**  
**ATTACHMENT B**  
**VENTURA COUNTY TRANSPORTATION COMMISSION**  
**ALCOHOL AND DRUG BEHAVIORAL CONTRACT**

I understand that I will be allowed to continue my employment with Ventura County Transportation Commission if I will participate in and submit continuing documentation on a monthly basis of my participation in a VCTC approved substance abuse treatment program. Additionally, upon successful completion of said program, I will provide the necessary documentation of such.

I agree not to use illegal drugs, including marijuana, or alcohol.

I understand that in order to return to my employment, I must submit to additional alcohol/drug test(s) and that such test(s) demonstrate there is no trace of alcohol or a drug or metabolite of any drug in my system.

I also understand that during the 60 months following my return to work I May be tested without prior notice and if there is any trace of drug or metabolites and/or alcohol in my system, my employment with Ventura County Transportation Commission will be terminated. I also understand that refusal to submit to such a test will result in the termination of my employment.

I understand and agree to all the above conditions. I also understand and agree that failure to meet all terms and conditions of this commitment will result in the termination of my employment, with no Hearing Before Discharge and no right of appeal through the complaint procedure.

---

Employee (signature) Date

---

Supervisor (signature) Date

---

Department Director (signature) Date

## **Appendix A ATTACHMENT C ALCOHOL FACT SHEET**

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
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

Health Effects: The chronic consumption of alcohol (average of three 12-oz. servings of beer per day, 1 ounce of whiskey, or six ounces of wine) over time may result in the following health hazards:

- Decreased sexual functioning
- 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 diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney 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 problem is 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.

### The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related condition or accidents

### Workplace Issues

- It takes one 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 drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

**Appendix A**  
**ATTACHMENT D**  
**ALCOHOL AND CONTROLLED SUBSTANCES**  
**TESTING PROCEDURES AND POLICIES**

**INTRODUCTION:**

The Ventura County Transportation Commission (VCTC) shall implement and enforce the procedures for transportation workplace testing as set forth in 49 CFR Part 40. These procedures include, but are not limited to the following information. In all cases, the requirements of 49 CFR Part 40 shall be followed.

**CONTROLLED SUBSTANCES TESTING:**

**Applicable Drugs:**

1. Employees subject to controlled substances testing shall be tested for the following substances:
  - Marijuana
  - Cocaine
  - Opiates
  - Amphetamines
  - Phencyclidine (PCP)
2. Although the specimen will not be analyzed specifically for adulterants, the lab may conduct adulteration checks (PH, specific gravity or creatinine). The test may be canceled if adulterants are detected. The lab is permitted to check for adulterants as per Federal Department of Transportation (DOT) guidelines.

**Specimen Collection Procedures:**

1. The collection shall take place in a secure location to prevent unauthorized access during the collection process.
2. The specimen shall be kept in sight of the employee and the collection site person until it is sealed and ready for shipment.
3. Employees shall have individual privacy when providing a specimen except when
  - a. The employee presents a specimen that is outside the accepted temperature range and he/she refuses to have an oral body temperature measurement, or the body temperature measurement varies more than 1° C or 1.8° from the specimen temperature.
  - b. The collector observes the employee attempting to adulterate or substitute the specimen.
  - c. The employee's last provided specimen was determined to be diluted.
  - d. The employee has previously had a verified positive test.In a. and b. above, the employee must provide a specimen under direct observation. In c. and d. above, the employer may require a direct observation collection.
4. The following specific procedures will be followed during the collection process:
  - a. The employee must submit identification to the collector. The collection shall not proceed until a positive identification is made.
  - b. The employee will not be required to undress, or to change into an examination gown. Only outer garments should be removed, i.e., jackets, etc.

- c. The donor shall be required to wash his/her hands prior to urination, and shall not have access to any water sources until the specimen has been collected.
  - d. A bluing agent shall be added to the toilet bowl and the donor may flush the toilet only after releasing the specimen to the collector.
  - e. The specimen must be at least 45 ml to be acceptable.
  - f. The collector must measure the specimen temperature within four minutes of urination to determine sample acceptability.
5. If the donor cannot provide a sufficient volume of urine, he/she shall remain at the collection site and be provided not more than twenty-four ounces of fluids to drink. The donor shall have a period of up to two hours to produce an acceptable sample. If the donor is unable to produce a sample without a valid medical reason VCTC may consider the circumstances to be a refusal to test.
  6. The specimen shall be divided into two parts. The collector shall pour 30 ml of urine from the specimen bottle into a second specimen bottle, to be used as the primary specimen. The remainder of the urine, at least 15 ml, shall be poured into another container to be used as the split sample.
  7. Both samples shall be shipped in a single shipping container with the appropriate chain of custody forms.
  8. The collector and donor must be present together to complete the following process.
    - a. Seal and label the specimen bottle.
    - b. Donor initials the bottle label or seal.
    - c. The chain of custody forms must be signed and dated.
  9. If an employee refuses to cooperate with the collection process the collector shall notify the employer representative and note the non-cooperation on the custody and control form.

### **Split Sample**

- If the test result of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be analyzed.
- The split sample analysis will be conducted by a DHHS-certified laboratory who will analyze the sample for presence of the drug(s) for which a positive result was obtained in the primary sample.
- If the result of the test of the split sample fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation to VCTC.
- After the MRO notifies the employee of a positive result for the presence of a drug(s) in the primary sample, the employee has up to seventy-two hours to request analysis of the split sample.

**Special VCTC Provision:** All costs associated with the analysis of the split sample shall be the responsibility of the employee.

**“Dilute Negative Drug Tests (49 CFR 40.197):** If contractor is informed that a negative drug test is dilute, the following guidelines apply:

- A retest is required for all random, post-accident, reasonable suspicion, return to duty and follow up testing. The second test will become the test of record.
- If the second test is reported as negative and dilute, it will be treated as a negative test.
- If an employee declines to take a retest, it will be considered a refusal to test.

## **ALCOHOL TESTING**

### **Testing Procedures**

- The test shall take place in a secure location that affords visual and aural privacy to prevent unauthorized persons from seeing or hearing test results.
- When an employee enters the testing location, the BAT will require him/her to provide positive identification. The test shall not proceed until positive identification of the employee is made.
- An individually-sealed mouthpiece shall be opened in view of the employee and then attached to the testing unit.
- The employee shall be required to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- The employee shall be shown the result both on the testing unit and the recording form. The employee shall verify both results are the same. If a result printed by the testing unit does not match the displayed result, the BAT shall declare the test invalid.
- If the result of the screening test is less than 0.02 breath alcohol concentration, no other testing will be conducted.
- If the result of the screening test reflects an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.
- Prior to conducting the confirmation test the employee may not eat, drink, or place anything in his/her mouth. If possible, the employee should not belch during the waiting period. The confirmation test shall be conducted no less than fifteen minutes and no more than twenty minutes from the screening test. The fifteen minutes waiting period is provided for the employee's benefit. This time period allows for the dissipation of any mouth alcohol, thereby helping to prevent an artificially high reading.
- In the event the screening and the confirmation test results do not match, the confirmation results will be considered the final results.
- If the employee refuses to sign the breath alcohol testing form or fails to provide an adequate amount of breath without a valid medical reason, VCTC may determine the circumstance to be a refusal to test.

### **Inability to Provide Adequate Breath:**

- If the employee fails to provide an adequate amount of breath he/she shall provide VCTC with an evaluation from a licensed physician, who is acceptable to VCTC, concerning the employee's medical ability to provide adequate breath.
- If the physician determines there is a valid medical reason precluding the employee from providing adequate then the employee's failure shall not be deemed a refusal to test.
- If the physician is unable to determine a valid medical reason, the employee's failure to provide adequate breath shall be considered a refusal to test.

For any questions, concerns, or comments regarding this drug policy, contact Peter De Haan at (805)642-1591, ext. 106.

**Appendix A**  
**ATTACHMENT E**  
**SAFETY-SENSITIVE POSITIONS**  
**VCTC CONTRACTED SERVICE PROVIDERS**

The following VCTC Contracted Service Provider positions are considered “safety-sensitive” and are, therefore, subject to the VCTC Drug & Alcohol Policy:

Operate Revenue Vehicles:

- Bus Operator Part Time
- Bus Operator Full Time
- Bus Operator Trainee Part time
- Bus Operator Trainee Full time
- Mechanic

Maintain Revenue Vehicles:

- Mechanic Trainee
- Maintenance Assistant

Dispatch Revenue Vehicles:

- Bus Operations Supervisor
- Bus Operations Dispatcher