

# ANTI-DRUG AND ALCOHOL MISUSE POLICY

## CONNECTICUT STATEWIDE

### DRUG AND ALCOHOL TESTING CONSORTIUM



Mandated by: Federal Transit Administration

Funded by: Connecticut Department of Transportation

Administered by: Greater Hartford Transit District

This policy makes reference to DOT 49 CFR Part 40 and 49 CFR Part 655.

The web addresses for the referenced regulations are:

49 CFR Part 40 | [49 CFR Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#)

49 CFR Part 655 | [49 CFR Part 655 - Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations](#)

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## 1.0 | PURPOSE

The purpose of the Connecticut Statewide Drug and Alcohol Testing Consortium Policy (Consortium Policy) is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991.

This Consortium Policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT) has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for individuals in safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The DOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

### ROLE OF THE CONNECTICUT STATEWIDE DRUG AND ALCOHOL TESTING CONSORTIUM

Throughout this document, the company will be referred to as “employer”. Employees who are covered under this Consortium Policy will be referred to as “covered employee(s)” or “employee”.

Pursuant to DOT regulations, the employer participates with other publicly funded transit operators in a Connecticut Statewide Drug and Alcohol Testing Consortium to administer drug and alcohol tests. In turn, the Consortium has engaged a contractor to perform specific services such as arranging collection sites, Medical Review Officer (MRO) services, and laboratory testing.

The employer will implement all changes in DOT requirements and this Consortium Policy, as necessary.

### EMPLOYEE ASSISTANCE PROGRAM

The employer has a commitment to assist its safety-sensitive employees and their family members, where appropriate, through the Employee Assistance Program (EAP). The EAP is administered through the Consortium and is available to safety-sensitive employees as well as their family members. For additional information, please call the EAP provider listed in **APPENDIX A**.

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## 2.0 | SCOPE AND OVERVIEW

Employees are responsible for being aware of all federal regulations regarding drugs and alcohol. There is a variety of resources available to employees, such as this Consortium Policy and the following FTA website <https://www.transit.dot.gov/drug-alcohol-program>. This document defines drug and alcohol violations and their consequences. This Consortium Policy covers serious consequences for violations of the regulations. It is not an employment contract and shall not be construed as such.

Items in this Consortium Policy relating to disciplinary actions, terminations, leaves of absence, and all

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financial issues are not FTA or DOT requirements. These elements are based on the employer's authority.

### SUPPLEMENT TO EMPLOYER'S POLICY

If this Consortium Policy is in conflict with any other policy you have received from your employer, then this Consortium Policy will take precedence.

All questions regarding this Consortium Policy should be directed toward the Designated Employer Representative (DER) as named in **APPENDIX A**.

Employees will be required to sign a form indicating that they have received a copy of the Consortium Policy. This signed form will be kept on file. Distribution to each employee of the Consortium Policy and the Employer's Policy (if applicable) regarding the use of drugs and alcohol with signed receipt is mandatory.

### EDUCATION AND TRAINING (§ 655.14)

**EMPLOYEE TRAINING** Employer must provide education with display and distribution of informational materials and a community service hot-line telephone number, if available. One (1) hour of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use must be provided.

**SUPERVISOR TRAINING** Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

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## 3.0 | APPLICABILITY

In order to perform safety-sensitive functions for this employer, the employee must participate in this drug and alcohol testing program.

Employees who perform the following safety-sensitive functions are considered "covered employees" under Federal Regulations and are subject to the requirements of this Consortium Policy: (§ 655.4)(§ 655.51)

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining a revenue service vehicle or equipment used in revenue service; and
- Carrying a firearm for security purposes.

In addition, any other employees who may be called upon to perform these functions are considered

covered. For employer specific safety-sensitive job titles please reference **APPENDIX B**.

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### 4.0 | DEFINITIONS

**ACCIDENT** means an occurrence associated with the operation of a vehicle, if as a result:

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

**ADMINISTRATOR** means the Administrator of the Federal Transit Administration or the Administrator's designee.

**ALCOHOL CONCENTRATION (AC)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

**ALCOHOL TEST FORM (ATF)** is the document used to record alcohol test data including employee name, employer name, employer address, and the test result.

**ANTI-DRUG PROGRAM** means a program to detect and deter the use of prohibited drugs as required by this part.

**CERTIFICATION** means a recipient's written statement, authorized by the organization's governing board or other authorizing official that the recipient has complied with the provisions of this part. (See § 655.82 and § 655.83 for certification requirements.)

**CONTRACTOR** means a person or organization that provides a safety-sensitive service for a recipient, subrecipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

**COVERED EMPLOYEE** means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to this part. A volunteer is a covered employee if:

1. The volunteer is required to hold a commercial driver's license to operate the vehicle; or
2. The volunteer performs a safety-sensitive function for an entity subject to this part and

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receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

**CUSTODY AND CONTROL FORM (CCF)** is the form used to document the management and storage of an urine specimen from the moment the donor provides the specimen for the collector to the final destination of the specimen and the review and reporting of the final test result.

**DESIGNATED EMPLOYER REPRESENTATIVE (DER)** An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part.

**DIRECT OBSERVATION** collections must be observed by the same gender as the employee, and are authorized and required when:

1. The employee attempts to tamper with his or her specimen at the collection site; or
2. When ordered by the MRO; or
3. The collection is for a Follow-up or Return-to-Duty test.

**DISABLING DAMAGE** means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

1. *Inclusion:* Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.
2. *Exclusions:*
  - a. Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
  - b. Tire disablement without other damage even if no spare tire is available.
  - c. Headlamp or tail light damage.
  - d. Damage to turn signals, horn, or windshield wipers, which make the vehicle inoperable.

**DOT or THE DEPARTMENT** means the United States Department of Transportation.

**DOT AGENCY** means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring drug and alcohol testing. (See 14 CFR Part 121, appendices I and J; 33 CFR Part 95; 46 CFR Parts 4, 5, and 16; and 49 CFR Parts 199, 219, 382, and 655.)

**EMPLOYER** means a recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes subrecipients, operators, and contractors.

**EMPLOYER POLICY** The policy containing non-DOT drug and alcohol testing related provisions mandated by the employer.

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**EVIDENTIAL BREATH TESTING DEVICE (EBT)** is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

**FTA** means the Federal Transit Administration, an agency of the U.S. Department of Transportation.

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

**PERFORMING (A SAFETY-SENSITIVE FUNCTION)** means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

**POSITIVE RATE FOR RANDOM DRUG TESTING** means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug test results (i.e., positive, negative, and refusals) under this part.

**RAILROAD** means:

1. All forms of non-highway ground transportation that run on rails or electromagnetic guide ways, including:
  - a. Commuter or other short-haul rail passenger service in a metropolitan or suburban area, as well as any commuter rail service that was operated by the Consolidated Rail Corporation as of January 1, 1979; and
  - b. High speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.
2. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

**RECIPIENT** means an entity receiving Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311; or under 23 U.S.C. 103(e)(4).

**REFUSE TO SUBMIT** means any circumstance outlined in 49 CFR Parts 40.191 and 40.261. Refer to Section 9.0 | **REFUSAL TO TEST** for additional information.

**SAFETY-SENSITIVE FUNCTION** means any of the following duties, when performed by employees of recipients, subrecipients, operators, or contractors:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;

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3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. 5307 or 5309, is in an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. 5311 and contracts out such services;
5. Carrying a firearm for security purposes.

**SUBSTANCE ABUSE PROFESSIONAL (SAP)** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

**VEHICLE** means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

**VIOLATION RATE FOR RANDOM ALCOHOL TESTING** means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of alcohol random screening tests (including refusals) conducted under this part.

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### 5.0 | CONTROLLED SUBSTANCE TESTING

Employees will be tested for the presence of drugs and/or metabolites of the following controlled substances: (§ 655.21)(§ 40.85)

1. Marijuana metabolites
2. Cocaine metabolites
3. Amphetamines
4. Opioids
5. Phencyclidine (PCP)

#### PROHIBITED BEHAVIOR AND CONDUCT

Employees are prohibited from the consumption of controlled substances at all times. (§ 655.21(c))

#### VALID MEDICAL PRESCRIPTION

If the employee has a valid medical prescription to use the controlled substance, the employee must notify their DER if the medication may limit the employee's ability to perform safety-sensitive functions.

The Department of Transportation's Drug and Alcohol Testing Regulation (§ 40.151(e)) does not



authorize “medical marijuana” under a state law to be a valid medical explanation for a transportation employee’s positive drug test result.

### ROLE OF THE MEDICAL REVIEW OFFICER

All drug test results will be reviewed first by a specially trained physician serving as MRO. The MRO will notify the employer directly if an employee’s drug test result is negative. If the drug test result is non-negative, the MRO will contact the employee to discuss the test. The MRO will determine whether a non-negative laboratory test result shall be verified as negative, positive, refused, or cancelled. The MRO will notify the employee that he or she has seventy-two (72) hours to request a test of the split specimen. The employer is informed that an individual has tested positive or negative. It is a requirement that the MRO informs the employer of a safety-sensitive concern. The MRO will disclose the specific drug(s) to the employer, not the levels detected.

### DRUG TESTING PROCEDURES

The DOT has many safeguards to ensure the integrity of the collection/testing process. The procedures put in place during the drug and alcohol testing processes are intended to protect the employee. The primary objective is to ensure the integrity, accuracy, and validity of the test results. Many steps are taken to ensure that test results are attributed to the correct employee. (§ 40.43)(§ 40.89)(§ 40.91)

Drug testing will be performed through urinalysis. (§ 40.85)

1. Urine Collection Personnel are properly trained. (§ 40.31)(§ 40.33)
2. All collectors follow specific guidelines to ensure the test is valid. (§ 40.61)(§ 40.63)(§ 40.65)(§ 40.67)(§ 40.69)(§ 40.71)(§ 40.73)
3. Collection facilities meet compliance guidelines. (§ 40.41)(§ 40.43)
4. A CCF protects the identity of the employee. (§ 40.45)
5. All drug testing is completed at an approved laboratory. (§ 40.81)
6. The employee will be contacted by an approved MRO for an interview, in cases where a test is non-negative. (§ 40.129)(§ 40.131)
7. In cases of a positive drug test, the employee has the option to retest the split specimen in order to verify the initial test results. (§ 40.171)

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## 6.0 | ALCOHOL TESTING

Alcohol testing is the procedure to determine whether an employee may have a prohibited AC in a breath specimen.

### PROHIBITED BEHAVIOR AND CONDUCT

Performing or continuing to perform a safety-sensitive function while having an AC of 0.04 or greater. (§

655.31(b))

Alcohol use is prohibited in the following situations:

- While performing a safety-sensitive function; (§ 655.32)
- During the four (4) hours prior to performing a safety-sensitive function; (§ 655.33(a))
- During specified on-call hours; and (§ 655.33(b))
- For eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test. (§ 655.34)(§ 655.44)

### ALCOHOL TESTING PROCEDURES

The procedures put in place during the drug and alcohol testing processes are intended to protect the employee. The primary objective is to ensure the integrity, accuracy, and validity of the test results. Many steps are taken to ensure that test results are attributed to the correct employee. Trained technicians perform alcohol testing using approved equipment. If the initial test result is 0.02 AC or higher, a confirmation test is performed. The confirmation test is conducted on an EBT that goes through calibration checks to test its accuracy and actually prints out the test result. (§ 40.223)

1. Alcohol collectors are trained to perform breath alcohol testing. (§ 40.211)(§ 40.213)
2. Collection facilities meet compliance guidelines. (§ 40.221)
3. Collectors follow specific guidelines to ensure the test is valid. (§ 40.241)(§ 40.243)(§ 40.247)
4. All breath alcohol testing devices are approved for use and are checked regularly for accuracy. (§ 40.229)(§ 40.231)(§ 40.233)
5. An ATF protects the identity of the employee. (§ 40.225)
6. In cases of a positive alcohol test, a second test is completed to confirm the accuracy of the results. (§ 40.251)(§ 40.253)

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## 7.0 | TESTING CIRCUMSTANCES

An employee is required to submit to all testing as required by 49 CFR Part 655, as amended. Employee testing for prohibited drugs and/or alcohol misuse will occur in the following circumstances: (§ 655.21)(§ 655.31)

### PRE-EMPLOYMENT (§ 655.41)

A pre-employment drug test is required prior to a covered employee or applicant performing a safety-sensitive function for the first time. An individual applying for or transferring into a safety-sensitive position must have a pre-employment drug test with a negative result. A covered employee who has not performed a safety-sensitive duty for ninety (90) consecutive days or more and has been removed from the random pool shall take a pre-employment drug test with verified negative results before returning to safety-sensitive functions. A covered employee or applicant with a non-negative test result must fulfill

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the return to duty requirements prior to beginning safety-sensitive functions for this employer or any other employer.

### REASONABLE SUSPICION (§ 655.43)

Reasonable suspicion testing is required when one or more trained supervisors or company officials can articulate and substantiate physical, behavioral, and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech or body odors of the covered employee. Reasonable suspicion alcohol testing is only permissible just before an employee performs safety-sensitive duties, during the performance, and just after an employee has performed covered duties. The observations leading to alcohol testing must be made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with 49 CFR Part 655.

### POST-ACCIDENT (§ 655.44)

A drug and alcohol test following a fatal accident or nonfatal accident when an employee's performance cannot be completely discounted as a contributing factor.

**FATAL ACCIDENTS:** In cases where an accident results in the death of any individual, post-accident testing is required as soon as practicable, on each surviving employee who was operating the vehicle at the time. The employer shall test any other covered employee whose performance could have contributed to the accident.

**NONFATAL ACCIDENTS:** As soon as practicable the employee shall be tested whenever there is disabling damage to a vehicle involved in the accident, or the accident led to an individual receiving medical attention away from the accident scene, unless the employer determines that the employee's performance was not a contributing factor to the accident.

**TIMEFRAME:** An alcohol test is to be conducted as soon as practicable. If not conducted within two (2) hours, it must be documented why it was not conducted and attempts are to continue. If testing is not conducted within eight (8) hours, attempts are to cease. A drug test is to be conducted as soon as practicable. If not conducted within thirty-two (32) hours, it must be documented why it was not conducted and attempts are to cease.

*Please note:* 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.

### RANDOM (§ 655.45)

All covered employees are subject to unannounced, unpredictable drug and alcohol testing. Employee selections are computer generated by the Third Party Administrator (TPA) in accordance with DOT requirements and without bias. The dates for administering random tests are spread reasonably throughout the calendar year, and conducted at all times of day when safety-sensitive functions are performed. An individual may be selected multiple times or not at all during any given year.

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Random alcohol testing is only permissible just before, during and just following safety-sensitive duties. A covered employee may be randomly tested for prohibited drug use anytime while on duty. When notified of selection for random drug or random alcohol testing, employees must proceed to the test site immediately.

*Please note:* The testing rates of the Connecticut Statewide Drug and Alcohol Testing Consortium will meet or exceed the minimum annual percentage rate set each year by the FTA Administrator.

### RETESTING (§ 655.35)

If an employer chooses to permit the employee to perform a safety-sensitive function within eight (8) hours of an alcohol test indicating an AC of 0.02 or greater but less than 0.04, the employer shall retest the covered employee to ensure compliance with the provisions of FTA requirements.

The covered employee may not perform safety-sensitive functions until:

- A retest shows that the employee's alcohol concentration is below 0.02; or
- The next regularly scheduled duty period but not less than eight (8) hours from the administration of the test.

### NEGATIVE DILUTE SPECIMEN (§ 40.93)(§ 40.197)

Negative Dilute Specimens occur when the urine creatinine concentration is less than 20mg/dL, and the specific gravity is less than 1.0030. There are three (3) levels to a dilute specimen:

1. **NEGATIVE-DILUTE:** The highest level of dilution is when the creatinine concentration is greater than 5mg/dL but less than 20mg/dL, and the specific gravity is greater than 1.0010 but less than 1.0030.
2. **NEGATIVE-DILUTE, RECOLLECTION:** The next level of dilution, with the creatinine concentration greater than or equal to 2mg/dL but less than or equal to 5mg/dL, and the specific gravity is greater than 1.0010 but less than 1.0030. The MRO will require the employer to immediately conduct a recollection under direct observation.
3. **SUBSTITUTED:** When a specimen is so dilute to not be consistent with human urine it is considered to be substituted when the creatinine concentration is less than 2mg/dL and the specific gravity is less than or equal to 1.0010 or greater than or equal to 1.0200. A test result of *substituted* is a violation of the prohibitions and the attendant consequences apply.

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## 8. | FINANCIAL RESPONSIBILITIES

The employer is included in the Connecticut Statewide Drug and Alcohol Testing Consortium which is

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funded by the Connecticut Department of Transportation for certain test types and other situations. Details follow:

- The cost of a medical evaluation for a shy lung or shy bladder will be the responsibility of the employee and payment will be made directly to the licensed medical provider.
- The cost of a split specimen test will be incurred by the employer who will seek payment or reimbursement of all or part of the cost of the split specimen from the employee. Payment will not delay compliance of split specimen testing functions or processes.

*Please note:* While the SAP referral is covered by the Consortium, the employee would pay out of pocket or use his/her insurance for the recommended education or treatment.

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### 9.0 | REFUSAL TO TEST

Employees will not perform or continue to perform safety-sensitive functions if they refuse to submit to any drug or alcohol test. Any employee who refuses to submit to a required drug or alcohol test will be removed immediately from his or her safety-sensitive function. Such refusal constitutes a violation of the Consortium Policy.

*Please note:* a covered employee subject to post-accident testing who fails to remain readily available for such testing, including notifying the employer or employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed by the employer to have refused to submit to testing. (§ 655.44 (c))(\$ 655.49)

#### DRUG TEST REFUSAL CIRCUMSTANCES: (§ 40.191)

- Does not report for any test, except a pre-employment test, within the reasonable time frame set by the employer after being notified of the test; (§ 40.61(a))(\$ 40.191(a)(1))
- Does not remain at the testing location until the testing process has been completed, except in the case of the employee leaving the site before a pre-employment test has begun; (§ 40.191(a)(2))
- Does not provide a urine specimen for any drug test, except in the case of the employee leaving the site before a pre-employment test has begun; (§ 40.191(a)(3))
- Does not allow the observation or monitoring of the collection in the case of a directly observed or monitored collection; (§ 40.69(g))(\$ 40.67(m))(\$ 40.191(a)(4))
- Does not provide a sufficient urine specimen for any drug test, and it has been determined through a required medical evaluation that there was no adequate medical explanation; (§ 40.191(a)(5))(\$ 40.193(d)(2))
- Does not take an additional drug test when directed by the employer or the collector; (§ 40.191(a)(6))
- Does not undergo a medical exam or evaluation when directed by the MRO as part of the verification process or when directed by the DER. In the case of a pre-employment drug test,

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the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; (§ 40.191(a)(7))

- Does not cooperate with any part of the testing process; (§ 40.191(a)(8))
- Does not follow the collector's instructions to raise clothing above the waist, lower clothing and underpants, and turn around so that the collector may check for devices that could interfere with the collection process during an observed collection; (§ 40.191(a)(9))
- Owns or wears a prosthetic or other device that could interfere with the collection process; (§ 40.191(a)(10))
- Admits to a collector or MRO that he or she has adulterated or substituted the specimen; (§ 40.191(a)(11)) or
- As an employee, if the MRO reports the employee's urine specimen has been verified as an adulterated or substituted test result. (§ 40.191(b))

### ALCOHOL TEST REFUSAL CIRCUMSTANCES: (§ 40.261)

- Does not report for any test (except pre-employment test) within the reasonable time frame set by the employer after being notified of the test; (§ 40.261(a)(1))
- Does not remain at the testing location until the testing process has been completed; an employee leaving the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test; (§ 40.261(a)(2))
- Does not provide an adequate amount of saliva or breath for any alcohol test; an employee leaving the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test; (§ 40.261(a)(3))
- Does not provide a sufficient breath specimen for any alcohol test, and it has been determined through a required medical evaluation that there was no adequate medical explanation; (§ 40.261(a)(4))
- Does not undergo a medical exam or evaluation when directed by the employer as part of the insufficient breath procedures; (§ 40.261(a)(5))
- Does not sign the certification statement in Step 2 of the Alcohol Test Form; (§ 40.261(a)(6)) or
- Does not cooperate with any part of the testing process. (§ 40.261(a)(7))

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## 10.0 | CONSEQUENCES (§ 655.61)

### ROLE OF THE SUBSTANCE ABUSE PROFESSIONAL

Employees who have violated a DOT drug and/or alcohol rule will not be permitted to return to DOT regulated safety-sensitive functions until they have successfully completed the following: undergone an evaluation by the SAP; undergone a follow-up evaluation by the same SAP to determine compliance with

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their recommendations; and have a negative drug test result and/or an alcohol test with an AC of less than 0.02 before resuming safety-sensitive duties.

Consequently, upon the successful completion of prescribed education and/or treatment and prior to the taking of a return-to-duty test by the employee, the SAP will recommend the number and frequency of Follow-up alcohol and/or drug tests to be administered.

Upon receipt of the final SAP report, the employer will determine whether to put the employee back to work in a safety-sensitive position. If the employer decides to do so, the employee will submit to the Return-to-Duty drug and/or alcohol test, as prescribed by the SAP.

If the employee yields a negative drug test result and/or a breath alcohol test result with an AC of less than 0.02, he or she is permitted to return to the safety-sensitive position. He or she will then be required to submit to the Follow-up testing requirements as recommended by the SAP. The employee will be subject to a minimum of six (6) unannounced tests in the first twelve (12) months, and may be required to submit to testing for up to an additional forty-eight (48) months.

### FAILING A CONTROLLED SUBSTANCE TEST

Any safety-sensitive employee who has a confirmed positive drug screen result or who refuses to take a required drug test will immediately cease performing all safety-sensitive functions. (§ 40.23) The employee will then be referred to an SAP. (§ 655.62)

### FAILING AN ALCOHOL TEST

Any safety-sensitive employee who has a confirmed alcohol test result between 0.02 AC and 0.039 AC will be removed from safety-sensitive functions until: (§ 655.35)(§ 655.48)

- A retest shows that the employee's alcohol concentration is below 0.02; or
- The next regularly scheduled duty period but not less than eight (8) hours from the administration of the test.

Any safety-sensitive employee who has a confirmed alcohol test result of 0.04 AC or greater or who refuses to take a required alcohol test will immediately cease performing all safety-sensitive functions. (§ 40.23) The employee will then be referred to an SAP. (§ 655.62)

### MAINTENANCE AND RELEASE OF CONFIDENTIAL INFORMATION

All results and associated records dealing with this program are maintained in a confidential manner. Only individuals with a "need to know" have access to this information.

A covered employee may receive copies of his/her records upon written request.

In certain administrative or legal proceedings, a covered employee's confidential information may be released without his/her permission.

# CONNECTICUT STATEWIDE DRUG AND ALCOHOL TESTING CONSORTIUM POLICY

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## ACKNOWLEDGEMENT OF CONSORTIUM POLICY

I hereby acknowledge that I have received a copy of the Connecticut Statewide Drug and Alcohol Testing Consortium Policy (Consortium Policy) mandated by the U.S. Department of Transportation, Federal Transit Administration for all covered employees who perform a safety-sensitive function. I understand the Consortium Policy is required by 49 CFR Part 655, as amended, and has been duly adopted by the governing board of the employer.

Any provisions contained herein which are not required by 49 CFR Part 655 or 49 CFR Part 40, as amended, that have been imposed solely on the authority of the employer are designated as such in the Consortium Policy.

I understand that receipt of the Consortium Policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained therein. If I have any questions or concerns about the Consortium Policy, I will consult with my Designated Employer Representative (DER).

By signing below I understand the Consortium Policy is subject to change.

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

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness: DER Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Employer Name

\_\_\_\_\_  
Date



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**APPENDIX A - CONTACT AND RESOURCE INFORMATION**

*CONSORTIUM COORDINATOR*

Nhan Vo-Le  
Greater Hartford Transit District  
One Union Place  
Hartford, CT 06103  
Phone No. (860) 247-5329 ext. 3009  
[nhvole@ghtd.org](mailto:nhvole@ghtd.org)

*DESIGNATED EMPLOYER REPRESENTATIVE (DER)*

Name \_\_\_\_\_  
Email Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

*ALTERNATE DER*

Name \_\_\_\_\_  
Email Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

*THIRD PARTY ADMINISTRATOR (TPA)*

Occupational Drug Testing, Inc.  
340 Harvey Road  
Manchester, NH 03103

*MEDICAL REVIEW OFFICER(S)*

Dr. Patrick Leong, DO, JD, MROCC  
340 Harvey Road  
Manchester, NH 03103  
Phone No. (800) 211-4469

*EMPLOYEE ASSISTANCE PROGRAM (EAP) AND SUBSTANCE ABUSE PROFESSIONAL (SAP) SERVICES*

The Lexington Group, Inc.  
George Washington Turnpike  
P.O. Box 2014  
Burlington, CT 06013  
Phone No. (800) 571-0197

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**APPENDIX A - CONTACT AND RESOURCE INFORMATION**

*PRIMARY HHS CERTIFIED LABS*

MedTox Laboratories  
402 W County Road St.  
Paul, MN 55112  
Phone No. (800) 832-3244

*HHS CERTIFIED LAB (SPLIT SPECIMEN TESTING)*

Clinical Reference Laboratory  
8433 Quivira Road  
Lenexa, KS 66215  
Phone No. (800) 445-6917

Additional Consortium information (i.e., forms, documents, newsletters) is located at Greater Hartford Transit District's website: <http://www.hartfordtransit.org/drugalcohol.html>

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**APPENDIX B - EMPLOYER SPECIFIC SAFETY-SENSITIVE DUTIES**

- REVENUE VEHICLE OPERATION
- REVENUE VEHICLE & EQUIPMENT MAINTENANCE
- REVENUE VEHICLE CONTROL/DISPATCH
- CDL/NON-REVENUEVEHICLE
- ARMED SECURITY PERSONNEL

## APPENDIX C - EMPLOYEE TRAINING GUIDE

### COMMON EFFECTS OF DRUG USE AND ABUSE

#### WARNING SIGNS

- inappropriate laughter
- obscene language/gestures
- increased irritability
- defensive behavior
- hypersensitivity
- temper outbursts
- fighting with co-workers
- withdrawn attitude
- bizarre/uncontrollable actions

#### HOME BEHAVIORS

- missing money or objects
- increased time spent alone
- possession of drug paraphernalia
- house supply of prescription drugs
- dwindling with no explanation

#### SOCIAL PROBLEMS

- family relationship deterioration
- frequent absence from home
- changing group of friends

#### WORK ATTENDANCE

- lateness to work
- leaving work after lunch
- frequent call-ins
- takes extended weekends
- takes unauthorized days
- excessive sick days
- absence from work station

#### WORK PERFORMANCE

- drop in productivity
- inconsistent daily work
- shortened attention span
- decreased ability to think clearly
- depreciated listening skills
- uncooperative/negative attitude

#### APPEARANCE

- inappropriate work attire
- physically unhealthy looking
- appears unclean or unwashed
- offensive body odor or breath

NOTE: Some diseases may mimic drug use.

These syndromes include diabetes, epilepsy, trauma, brain diseases or tumors, Parkinson's disease, other neurological disorders and allergic reactions. Use caution when confronting a suspicious employee.

## APPENDIX C - EMPLOYEE TRAINING GUIDE

### COMMON EFFECTS OF ALCOHOL USE AND ABUSE

#### STANDARD DRINK SIZES

##### CAN OF BEER

12 oz. of fluid at 5% alcohol  
equals 0.60 oz. of pure alcohol

##### GLASS OF WINE

5 oz. of fluid at 12% alcohol  
equals 0.60 oz. of pure alcohol

##### SHOT OF WHISKEY

1.5 oz. of 80 proof liquor at 40% alcohol  
equals 0.60 oz. of pure alcohol

#### WARNING SIGNS

depression and anxiety  
magnified emotions  
impaired motor functions  
acting uninhibited  
memory impairment  
flushed/reddened face  
increased sweating  
confusion/dizziness  
dehydration  
slow reaction times

#### MOST COMMON SYMPTOMS

##### BREATH ODOR

this symptom alone is sufficient evidence for  
a Reasonable Suspicion Breath Alcohol Test

##### ALCOHOL POSSESSION

this is a clear piece of evidence showing  
alcohol use problems

##### THE FOUR S'S

Sleepiness, Slurring, Staggering, Smell

##### BEHAVIOR CHANGE

Demeanor changes, for example, from shy to  
aggressive

##### POOR FOCUS

unable to concentrate  
easily confused  
disoriented

##### ABSENTEEISM

disappearing from work  
sporadic work patterns

Alcohol affects judgment, memory, reaction time, and life-sustaining functions.  
The productivity of an alcoholic employee is 25-50% lower than normal productivity.

**SAFETY ISSUES:** MORE THAN 40% OF FATAL HIGHWAY CRASHES ARE ALCOHOL-RELATED.  
ALCOHOL ALONE IS A CONTRIBUTING FACTOR IN MORE THAN 10% OF ALL WORK-RELATED  
INJURIES.

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## APPENDIX C - EMPLOYEE TRAINING GUIDE

### TESTING PROCEDURES - FTA PROGRAM



TITLE 49: TRANSPORTATION

PART 40: PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS **OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE**

**WHO IS COVERED?** A person who performs a revenue vehicle operation, revenue vehicle and equipment maintenance, revenue vehicle control or dispatch, Commercial Drivers License non-revenue vehicle operation, or armed security duties.

**REQUIRED DRUG TEST TYPES:** Pre-employment, Random, Reasonable Suspicion, Post-Accident, Return-to-Duty, and Follow-Up.

**ALCOHOL TEST TYPES:** Pre-employment (optional), Random, Reasonable Suspicion, Post-Accident, Return-to-Duty, and Follow-Up.

**DEFINITION OF ACCIDENT REQUIRING TESTING:** Any accident involving a fatality requires testing. Testing following a non-fatal accident is discretionary: If the employer can show the employee's performance could not have contributed to the accident, no test is needed. Non-fatal accidents that may require testing must have disabling damage to any vehicle or immediate medical attention away from the scene to meet the testing threshold.

**REASONABLE-SUSPICION DETERMINATION:** One (1) trained supervisor or company official can make the decision based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. If an employee refuses a test, or tests positive, they are immediately removed from the safety-sensitive position and referred to a substance abuse professional.

**PRE-DUTY ALCOHOL USE PROHIBITIONS:** F o u r ( 4) hours prior to performance of duty.

**ACTIONS FOR BACS 0.02 - 0.039:** If the employer chooses to return the employee to covered service within eight (8) hours, the BAC re-test must be below 0.02.

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### APPENDIX C - EMPLOYEE TRAINING GUIDE

**EMPLOYEE TRAINING:** Employer must provide education with display and distribution of informational materials and a community service hot-line telephone number, if available. One (1) hour of training on the effects and consequence of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. Distribution to each employee of the policy regarding the use of drugs and alcohol with signed receipt is mandatory.

**SUPERVISOR TRAINING:** One (1) hour of training is required on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use. One (1) hour of training is also required on the specific, contemporaneous physical, behavioral, and performance indicators of probable alcohol use.

**FTA PROHIBITED DRUGS (DOT 5-PANEL SCREEN):** Cocaine, Marijuana, PCP, Amphetamines, Opioids

SEE REGULATIONS 49 CFR PART 40 IN FULL AT:

[49 CFR Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#)

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## APPENDIX C - EMPLOYEE TRAINING GUIDE

### BENEFITS OF EMPLOYEE ASSISTANCE PROGRAM (EAP)

**DEFINED:** Employee Assistance Programs (EAPs) are workplace-based programs and resources designed to benefit both employers and employees. EAPs help businesses and organizations address productivity issues by helping employees identify and resolve personal concerns that affect job performance.

#### BENEFITS INCLUDE

- decreased absenteeism
- reduced accidents and fewer workers compensation claims
- greater employee retention
- fewer labor disputes
- significantly reduced medical costs from early identification and treatment of individual mental health and substance use issues

#### EAP SERVICES AND REFERRALS FOR EMPLOYEES

- mental health
- drug and alcohol use
- personal issues
- information on work/life support
- wellness and health promotion
- work-related support

#### DEPARTMENT OF LABOR STATISTICS

For every dollar invested in an EAP, employers generally save between 5 and 16 dollars

66% decline in absenteeism after alcohol abusers have been identified and treated

75% reduction in inpatient alcohol and other drug abuse treatment costs

33% decline in use of sickness benefits

65% decline in work-related accidents

30% decline in workers' compensation claims

#### EAP SERVICES FOR ORGANIZATIONS

education on handling mental health, stress, and addictions in the workplace

addressing workplace violence

safety and emergency preparedness

difficult situation communication guidance

absence management

meeting needs of specific workers

**SOURCE: US DEPARTMENT OF LABOR**



# CONNECTICUT STATEWIDE DRUG AND ALCOHOL TESTING CONSORTIUM POLICY

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## APPENDIX D1 - CONSORTIUM POLICY ADOPTION (FIRST TERMINATION POLICY)

I, the undersigned, do hereby attest that the governing body of

\_\_\_\_\_  
(Name of Employer)

has approved the Consortium Policy type of **FIRST TERMINATION** whereby an employee violating for the first time any of the DOT/FTA prohibitions outlined in this Consortium Policy will be immediately terminated. The **FIRST TERMINATION PROVISIONS** listed in **APPENDIX D2** attached hereto are applicable and hereby made a part of this Consortium Policy.

Also, in the instance where a **NEGATIVE DILUTE SPECIMEN** shows the creatinine concentration to be greater than 5mg/dL but less than 20mg/dL, and the specific gravity is greater than 1.0010 but less than 1.0030 the employer (please check only one)

will accept the original negative-dilute result as the result of record and not require a recollection.	<input type="checkbox"/>
will require the employee with a negative dilute specimen to return for an unobserved collection, the result of which is the record for the test.	<input type="checkbox"/>

With respect to an **EMPLOYER POLICY**, the employer (please check only one)

does have an Employer Policy (attached) containing employer provisions (non-DOT mandated) in which its employees will be subject to.	<input type="checkbox"/>
does not have an Employer Policy containing employer provisions (non-DOT mandated) in which its employees will be subject to.	<input type="checkbox"/>

The original signature, name, title, and date on this document authorizes the above employer to participate in the Connecticut Statewide Drug and Alcohol Testing Consortium.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Date

# CONNECTICUT STATEWIDE DRUG AND ALCOHOL TESTING CONSORTIUM POLICY

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## APPENDIX D2 - FIRST TERMINATION PROVISIONS

The following provisions are **only** applicable under the Consortium Policy type of **FIRST TERMINATION** (See **APPENDIX D1**).

Provision
<b>FINANCIAL RESPONSIBILITIES</b> <sup>1</sup> Upon violation of the DOT/FTA prohibitions outlined in this Consortium Policy and subsequent termination, the employee will be provided with the names, addresses and telephone numbers of several SAPs at no cost to the employee.
<b>FIRST VIOLATION</b> <sup>2</sup> In the instance a covered employee violates the DOT/FTA prohibitions outlined in this Consortium Policy, they will be immediately terminated. They will be referred to a SAP and must fulfill all return-to-duty requirements prior to serving in a safety-sensitive capacity for any DOT regulated employer (as defined in 49 CFR Part § 655.62).
<b>ROLE OF THE SUBSTANCE ABUSE PROFESSIONAL</b> <sup>3</sup> Upon violation of the DOT/FTA prohibitions outlined in this Consortium Policy and subsequent termination, an employee will be provided with the names, addresses and telephone numbers of several SAPs at no cost to the employee.
<b>FAILING A CONTROLLED SUBSTANCE TEST</b> <sup>4</sup> Any employee who refuses to take a required drug test will be terminated from employment immediately.
<b>FAILING AN ALCOHOL TEST</b> <sup>5</sup> Any employee who refuses to take a required alcohol test will be terminated from employment immediately.

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<sup>1</sup> Consortium Policy Section [8.0 | FINANCIAL RESPONSIBILITIES](#)

<sup>2</sup> Consortium Policy Section [10.0 | CONSEQUENCES](#)

<sup>3</sup> Consortium Policy Section [10.0 | CONSEQUENCES](#)

<sup>4</sup> Consortium Policy Section [10.0 | CONSEQUENCES](#)

<sup>5</sup> Consortium Policy Section [10.0 | CONSEQUENCES](#)

# CONNECTICUT STATEWIDE DRUG AND ALCOHOL TESTING CONSORTIUM POLICY

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## APPENDIX E1 - CONSORTIUM POLICY ADOPTION (SECOND CHANCE POLICY)

I, the undersigned, do hereby attest that the governing body of

\_\_\_\_\_  
(Name of Employer)

has approved the Consortium Policy type of **SECOND CHANCE** whereby an employee violating for the first time any of the DOT/FTA prohibitions outlined in this Consortium Policy will be provided a chance to complete the return-to-duty requirements and may return to their employer if the employer chooses to do so. An employee violating for the second time any of the DOT/FTA prohibitions outlined in this Consortium Policy will be immediately terminated. The **SECOND CHANCE PROVISIONS** listed in **APPENDIX E2** attached hereto are applicable and hereby made a part of this Consortium Policy.

Also, in the instance where a **NEGATIVE DILUTE SPECIMEN** shows the creatinine concentration to be greater than 5mg/dL but less than 20mg/dL, and the specific gravity is greater than 1.0010 but less than 1.0030 the employer (please check only one)

will accept the original negative-dilute result as the result of record and not require a recollection.	<input type="checkbox"/>
will require the employee with a negative dilute specimen to return for an unobserved collection, the result of which is the record for the test.	<input type="checkbox"/>

With respect to an **EMPLOYER POLICY**, the employer (please check only one)

does have an Employer Policy (attached) containing employer provisions (non-DOT mandated) in which its employees will be subject to.	<input type="checkbox"/>
does not have an Employer Policy containing employer provisions (non-DOT mandated) in which its employees will be subject to.	<input type="checkbox"/>

The original signature, name, title, and date on this document authorizes the above employer to participate in the Connecticut Statewide Drug and Alcohol Testing Consortium.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Date

# CONNECTICUT STATEWIDE DRUG AND ALCOHOL TESTING CONSORTIUM POLICY

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## APPENDIX E2 - SECOND CHANCE PROVISIONS

The following provisions are **only** applicable under the Consortium Policy type of **SECOND CHANCE** (See **APPENDIX E1**).

Provision
<p><b>RETURN-TO-DUTY</b><sup>6</sup> A return-to-duty drug and/or alcohol test is required for employees who violated any of the following DOT drug and alcohol regulations: a covered employee refuses to submit to a test, has a verified positive drug test result, and/or has a confirmed alcohol test result of 0.04 or greater. All return-to-duty collections are conducted under direct observation. As an employee, when you have violated DOT drug and alcohol regulations, you cannot again perform any DOT safety-sensitive duties for any employer until and unless you complete the SAP evaluation, referral, and education/treatment process set forth in § 40.281. No employee shall be returned to safety-sensitive functions for this, or any other employer, without having the required negative return-to-duty test result(s).</p>
<p><b>FOLLOW-UP</b><sup>7</sup> A series of unannounced drug and/or alcohol tests required for any employee who has returned to duty after the SAP process. These tests are to be conducted for the current/subsequent employer if the employee returns to safety-sensitive functions. The follow-up testing schedule is determined by the SAP. There are to be a minimum of six (6) unannounced tests conducted within twelve (12) months of returning to duty, and the follow-up testing schedule may be for as long as sixty (60) months. All follow-up collections are conducted under direct observation. (§ 655.47)(49 CFR Part 40, Subpart O)</p>
<p><b>FINANCIAL RESPONSIBILITIES</b><sup>8</sup> Upon violation of the DOT/FTA prohibitions outlined in this Consortium Policy, the employee will be provided with the names, addresses and telephone numbers of several SAPs at no cost to the employee. If the employer allows the employee to remain, the employee must go through the return-to-duty process. The cost of the return-to-duty process will be covered by the Consortium to the extent of its contractual agreement with its vendors. The employee will be responsible for all costs not covered by the Consortium or insurance.</p>
<p><b>FIRST VIOLATION</b><sup>9</sup> A covered employee who violates the DOT/FTA prohibitions (for the first time only) outlined in this Consortium Policy, will be provided a chance to complete the return-to-duty requirements. The employee will be referred to a SAP of the employee's choice to receive evaluation and a recommendation for treatment and/or education. Once correspondence has been received from the SAP that the employee has fulfilled the required steps, the DER will then decide whether to have the return-to-duty test completed. Once a negative return-to-duty test result has been received, the employee will be returned to safety-sensitive functions and will be required to adhere to the follow-up testing plan dictated by the SAP.</p>

<sup>6</sup> Consortium Policy Section [7.0 | TESTING CIRCUMSTANCES](#)

<sup>7</sup> Consortium Policy Section [7.0 | TESTING CIRCUMSTANCES](#)

<sup>8</sup> Consortium Policy Section [8.0 | FINANCIAL RESPONSIBILITIES](#)

<sup>9</sup> Consortium Policy Section [10.0 | CONSEQUENCES](#)

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**APPENDIX E2 - SECOND CHANCE PROVISIONS**

Provision
<b>SECOND VIOLATION</b> <sup>10</sup> An employee violating for the second time any of the DOT/FTA prohibitions outlined in this Consortium Policy will be immediately terminated. They will be referred to a SAP and must fulfill all return-to-duty requirements prior to serving in a safety-sensitive capacity for any DOT regulated employer (as defined in 49 CFR Part § 655.62).

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<sup>10</sup> Consortium Policy Section [10.0 | CONSEQUENCES](#)