

RESOLUTION NO. 2020-14

**A RESOLUTION OF THE MASON TRANSIT AUTHORITY BOARD
ADOPTING A REVISED DRUG AND ALCOHOL POLICY.**


WHEREAS, the Mason Transit Authority Board approved and adopted Mason Transit Authority's Drug and Alcohol Policy (POL-301) on February 6, 1996; and

WHEREAS, from time to time, revisions are necessary to be consistent and in compliance with drug and alcohol testing as mandated by the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT) in 49 CFR Part 40, and Part 655, as amended; and

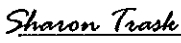
WHEREAS, this revised policy includes a new Section 5.0 relating to MTA's obligation to report positive test results and refusals to test for pre-employment and current CDL holders per RCW 46.25;

NOW THEREFORE, BE IT RESOLVED BY THE MASON TRANSIT AUTHORITY BOARD that the revised Drug and Alcohol Policy (POL-301), which is attached hereto and incorporated herein, be established and adopted.

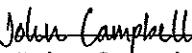
Adopted this 21st day of July, 2020.



Wes Martin, Chair

DocuSigned by:


Sharon Trask, Vice-Chair

DocuSigned by:


John Campbell, Authority Member

DocuSigned by:


Kevin Dorcy, Authority Member

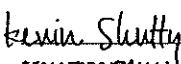


Matt Jewett, Authority Member

DocuSigned by:


Randy Neatherlin, Authority Member

Deborah Petersen, Authority Member

DocuSigned by:


Kevin Shetty, Authority Member

DocuSigned by:

Sandy Tarzwell

Sandy Tarzwell, Authority Member

APPROVED AS TO CONTENT:

[Signature]

Danette Brannin, General Manager

APPROVED AS TO FORM:

DocuSigned by:

Rob Johnson

Robert W. Johnson, Legal Counsel

ATTEST:

Tracy Becht

Tracy Becht, Clerk of the Board

DATE:

July 27, 2020



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancels:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14

1.0 Purpose of Policy

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

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

Portions of this policy are not FTA-mandated but reflect Mason Transit Authority's policy *or Washington State law. Portions of this policy are mandated by state law and are reflected in italics.* Mason Transit Authority's additional provisions are identified by **bold text**.

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

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

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the DAPM/DER, see Attachment B, no later than five days after such conviction.

2.0 Covered Employees

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

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

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



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancels:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14

- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

3.0 Prohibited Behavior

Use of illegal drugs is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body at or above the minimum thresholds defined in Part 40. Prohibited drugs include:

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

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


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

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

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

4.0 Consequences for Violations

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

 <p>MASON TRANSIT AUTHORITY</p>	<p>Title: Drug and Alcohol Policy Number: 301 Effective: July 21, 2020 Cancel: June 18, 2019 Prepared by: LeeAnn McNulty Administrative Services Manager Approved by: Authority Board Resolution No. 2020-14</p>
---	---

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02.

Zero Tolerance

Per Mason Transit Authority policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) and terminated from employment.

5.0 Positive Test Reporting

In accordance with the provisions of RCW 46.25, Mason Transit Authority shall report positive drug test results and refusals to test of current CDL holders for tests conducted under the authority of the FTA regulations 49 CFR Part 655 to the Washington State Department of Licensing (DOL) under the following circumstances:

- 1) *An employee is terminated or resigns;*
- 2) *An employee has exhausted all grievance processes up to, but not including, arbitration;*
- 3) *An employee has not been cleared to return to performing safety sensitive functions.*

Also in accordance with this regulatory requirement, Mason Transit Authority's MRO and BAT shall report all positive pre-employment drug test results or refusals to test for current CDL holders to DOL after consultation with Mason Transit Authority's Drug and Alcohol Program Manager to confirm applicability of the regulation.

Individuals whose positive test results or refusals to test are reported to DOL will be subject to the consequences outlined in the RCW.

6.0 Circumstances for Testing

Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancels:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14

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

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

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Mason Transit Authority has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. **Following a reasonable suspicion test, a covered employee will be removed from safety-sensitive duties and placed on paid administrative leave until test results are received.**

Post-Accident Testing

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

Fatal Accidents

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



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancel:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14

Non-fatal Accidents

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

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

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

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. **Following a post-accident test, a covered employee will be removed from safety-sensitive duties and placed on paid administrative leave until test results are received.**

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

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

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



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancel:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

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

Random Testing – End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately following an employee's shift, must be provided at least 30 minutes before the end of the shift.

7.0 Testing Procedures

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

Dilute Urine Specimen

If there is a negative dilute test result, Mason Transit Authority will conduct one additional retest. The result of the second test will be the test of record.

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

Split Specimen Test

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

Test Refusals

As a covered employee, you have refused to test if you:



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancels:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14


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

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

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

8.0 Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may

	<p>Title: Drug and Alcohol Policy Number: 301 Effective: July 21, 2020 Cancels: June 18, 2019 Prepared by: LeeAnn McNulty Administrative Services Manager Approved by: Authority Board Resolution No. 2020-14</p>
---	---

voluntarily refer her or himself to the DAPM/DER, see Attachment B, who will refer the individual to a substance abuse counselor for evaluation and treatment.

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


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

9.0 Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the DAPM/DER, see Attachment B. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

10.0 Contact Person

For questions about Mason Transit Authority's anti-drug and alcohol misuse program, contact the DAPM/DER, see Attachment B.

 <p>The logo for the Mason Transit Authority (MTA) features two stylized green pine trees of different heights. Below the trees is a dark green swoosh that curves under the letters 'MTA' in a bold, sans-serif font. To the right of the 'MTA' text, the words 'MASON TRANSIT AUTHORITY' are stacked vertically in a smaller, all-caps, sans-serif font.</p>	<p>Title: Drug and Alcohol Policy Number: 301 Effective: July 21, 2020 Cancels: June 18, 2019 Prepared by: LeeAnn McNulty Administrative Services Manager Approved by: Authority Board Resolution No. 2020-14</p>
---	---

Attachment A: Covered Positions

The following list includes safety-sensitive job titles of MTA employees or contractors who meet FTA safety-sensitive criteria:

- Cleaner/Fueler
- CommCenter Supervisor
- Custodian/Detailer
- Customer Service Representative
- Drivers
- Facilities Technician
- Mechanic
- Maintenance Manager
- Maintenance Support Technician
- Operations Manager
- Operations Supervisor
- Operations Safety & Training Supervisor
- Scheduler/Dispatcher
- Service Mechanic
- Worker/Driver



Title:	Drug and Alcohol Policy
Number:	301
Effective:	July 21, 2020
Cancels:	June 18, 2019
Prepared by:	LeeAnn McNulty Administrative Services Manager
Approved by:	Authority Board Resolution No. 2020-14

Attachment B: List of Program Contacts

Drug and Alcohol Program Manager (DAPM) & Designated Employer Representative (DER)

LeeAnn McNulty, Administrative Services Manager
 790 E Johns Prairie Road, Shelton, WA 98584
 Office: (360) 426-9434 or 1-800-281-9434 ext. 138
 Secure Fax: 360) 426-9143
 Agency Cell: (360) 545-7969
 Email: lmcnulty@masontransit.org

Alternate Designated Employer Representative (DER)

Haley Dorian, Accounting Assistant
 790 E Johns Prairie Road, Shelton, WA 98584
 Office: (360) 426-9434 or 1-800-281-9434 ext. 123
 Fax: (360) 426-9143
 Email: hdorian@masontransit.org

Second Alternate Designated Employer Representative (DER)

Christina Haugan, Accounting Assistant
 790 E Johns Prairie Road, Shelton, WA 98584
 Office: (360) 426-9434 or 1-800-281-9434 ext. 152
 Fax: (360) 426-9143
 Email: chaugan@masontransit.org

Testing Coordinator

Mason General Hospital Lab
 901 Mountain View Drive
 Shelton, WA 98584
 Phone: (360) 427-9565
 Hours: Mon-Fri 8 am to 3 pm
 24 hr. Post-Accident/Reasonable Suspicion

AWorkSAFE Service, Inc.
 1696 Capital St. NE
 Salem, OR 97301
 Phone: (503) 391-9363
 Hours: 24 hr./day



Title: Drug and Alcohol Policy
Number: 301
Effective: July 21, 2020
Cancels: June 18, 2019
Prepared by: LeeAnn McNulty
 Administrative Services Manager
Approved by: Authority Board
 Resolution No. 2020-14

Medical Review Officer

Drug Free Business
 Dr. Dee McGonigle, MD, MRO
 11511 N.E. 195th Street, Suite 102
 Bothell, WA 98011
 Phone: 866-448-0651
 Phone: 425-489-0832

Employee Assistance Program

ComPsych
 1-800-570-9315
 www.guidanceresources.com

Substance Abuse Professionals

ComPsych


1-800-570-9315
 www.guidanceresources.com

Alfreda Haines, NAADAC, SAP

F.H. Counseling & Associates, PLLC
 917 Pacific Ave., Suite #214
 Tacoma, WA 98402
 Phone: (253) 777-4772 Ext. 31

David Pearlman, NCAC II, SAP

20102 Cedar Valley Road
 Suite 103 (Main Office)
 Lynnwood, WA 98036
 (425) 478-0152

	<p>Title: Drug and Alcohol Policy Number: 301 Effective: July 21, 2020 Cancel: June 18, 2019 Prepared by: LeeAnn McNulty Administrative Services Manager Approved by: Authority Board Resolution No. 2020-14</p>
---	---

ACKNOWLEDGEMENT OF MASON TRANSIT AUTHORITY DRUG AND ALCOHOL TESTING POLICY

I, _____, hereby acknowledge that I have received a copy of the revised MTA Drug & Alcohol Policy mandated by the U.S. Department of Transportation, Federal Transit Administration, for all covered personnel who perform a safety-sensitive function.

I understand this policy is required by and conforms to 49 CFR PART 655, as amended, and has been duly adopted by the governing body of MTA. Any provisions contained herein which are not required by either 49 CFR Part 655 or 49 CFR Part 40, as amended, and have been imposed solely on the authority of MTA designated as such in the policy.

I also affirm my understanding that compliance with all provisions contained in this policy is a condition of my initial and continued employment. By accepting employment or continuing to be employed by MTA in a safety-sensitive position, I am giving my consent to submit to testing for alcohol and drugs as specified in this policy and the regulations upon which it is based.

I hereby agree to comply with all requirements of MTA policy and USDOT regulations 49 CFR 655 and 49 CFR 40 with regard to implementation and execution of their substance abuse programs.

I further understand that the information contained in the approved policy is subject to change, and that any change or addendum to this policy shall be provided to me in a manner consistent with the provisions of 49 CFR Part 655, as amended.

Please sign and date this certification and return it to the Administrative Services Manager.

Employee Name (Print)

Witness Name (Print)

Employee Signature

Witness Signature

Date

Date