

## 15-Minute Manager

### Drug and Alcohol Programs

In accordance with DOT drug and alcohol regulations (rule 49 CFR Part 40, or “Part 40”), recipients or sub-recipients of Sections 5307, 5309 or 5311 federal funding must test all safety-sensitive employees regardless of the size of the system or the number of employees. Drug testing is not required for 5310 providers unless a driver holds a Commercial Driver’s License (CDL) in which case that driver must comply with FMCSA rules and testing for CDL drivers.

Regardless of 5300 funding source, all organizations must have an ongoing Drug-free Workplace Awareness program that is available to employees and informs them about the dangers of drug abuse, about any available drug counseling and rehabilitation programs, employee assistance programs, penalties that may be imposed for violations of the drug-free workplace policy, and other specifics of the program.

Prior to training, confirm that your organization has FTA required policies and procedures in place and is employing best practices for compliance with Drug and Alcohol Program requirements:

- Confirm that your drug-free workplace program is complete and up-to-date;
- Confirm that you have notified ADOT and FTA of any drug-related criminal convictions among employees in a timely manner;
- Confirm that notice of the drug-free program is available to all employees on hiring, and in materials including brochures, posters, bulletin boards, and in employee assistance programs;
- Review list of drivers and their Driver’s License Status. Note any CDL holders and confirm compliance with FTA and/or FMSCSA rules;
- Confirm that drug-free workplace materials include the statement that unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place and what action will be taken against those who are in violation; and
- Confirm that drug-free workplace materials contain information about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs.

## 15-minute training – Drug Free Workplace

This organization, in compliance with FTA and ADOT requirements, operates a drug-free workplace.

You cannot use or possess alcohol or illicit drugs while assigned to perform, or actually performing, safety-sensitive functions and other duties.

You cannot report for duty, or remain on duty, if any of the following are true: you are under the influence of or impaired by alcohol; you have a blood alcohol concentration of .04 or greater (with a blood alcohol concentration of .02-.039, some regulations do not permit you to continue working until your next scheduled shift); you have used any illicit drug.

You cannot consume alcohol within four hours of reporting for service or after receiving notice to report.

You cannot report for duty or remain on duty when using any controlled substance unless prescribed by a doctor.

If there is reasonable suspicion that you are under the influence of alcohol or drugs, you cannot refuse to test for alcohol or controlled substances.

You cannot adulterate or substitute your test specimen.

DOT drug tests are conducted using only urine specimens, and the following drugs/metabolites in your urine will cause a test to return positive:

- Marijuana metabolites/THC - Cocaine metabolites
- Amphetamines (including methamphetamine, MDMA, MDA, MDEA)
- Opiates (including codeine, heroin (6-AM), morphine)
- Phencyclidine (PCP)

While some states allow the use of medical or recreational marijuana, federal laws and policy do not recognize any legitimate use of marijuana. Drug tests will not be verified as negative based upon state medical or recreational marijuana initiatives. DOT states that marijuana remains listed as a drug in Schedule I of the Controlled Substances Act, and it is unacceptable for safety-sensitive employees to use marijuana.

If you test positive, refuse a test, or violate DOT drug and alcohol rules the following will occur:

- A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.
- You will not be permitted to return to performing DOT-regulated safety-sensitive duties until you have completed the following:
  - Undergone an evaluation by a Substance Abuse Professional (SAP);
  - Successfully completed any education, counseling, or treatment prescribed by the SAP before returning to service; and

- o Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol (this is your return to duty testing).

Upon returning to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first year of active service with the possibility of this continuing for up to 5 years (this is decided by the SAP). These tests will be directly observed.

While the DOT regulations do require that anyone with a positive or refusal be removed from DOT safety-sensitive functions, it does not address employment actions such as hiring/firing/leaves of absence. However, our organization's policy is:

**List the actions that will be taken should an employee test positive or refuse to be tested.**

If you leave to work for another provider that is regulated by a DOT agency, your drug and alcohol testing history will follow you to your new employer

### **Over the counter medications**

There are many reasons why individuals take medications. Examples can include allergies, anxiety, cold, depression, diabetes, heart and cholesterol conditions, pain, as well as many others.

It is important to understand that these medications may cause sleepiness reactions that can impair your ability to drive safely. Blurred vision can be the case especially if you are taking more than one medication at a time. In order to understand how your medications are interacting with each other and your body, it is important to talk to your doctor once a year about all medications and supplements you are taking.

You should also do this when you start taking a new medication. It may help to give your doctor a list of the work tasks you perform. If you are taking medications you can work with your doctor to minimize the negative impacts they might cause. Adjusting your dose/timing of doses, changing medications, and seeking other ways to address your medical problem are all ways you and your doctor can work together.

**Handout printed copies of your Drug and Alcohol policy and program including resource list for employees seeking professional assistance or counseling in dealing with addiction and rehabilitation. Go over policies individually with emphasis on who employees should contact should they require additional information and your enforcement policies, testing requirements, and penalties for use.**

**The cover page for these policies should be a receipt stating that the employee has received training, given a copy of the policy and will read it. The employee will sign and date the receipt. Receipts will be collected and kept in training file and employee file.**

## FTA and USDOT Resources

- [FTA Drug & Alcohol Program](#)
- [Transit Safety and Oversight Drug and Alcohol](#)
- [FTA Drug and Alcohol Policy Builder](#)
- [Annual FTA Drug and Alcohol National Conference](#)
- [FTA Technical Assistance](#)
- [FTA Drug and Alcohol Discussion Forum](#)
- [FTA Tools and Resources page](#)
- [FTA Drug and Alcohol Regulation Update Newsletters](#)
- [USDOT Office of Drug and Alcohol Policy and Compliance page](#)
- [USDOT ODAPC Frequently Asked Questions](#)