

TARC BOARD OF DIRECTORS MEETING



Special Meeting Notice:

Pursuant to KRS 61.823, the TARC Board of Directors will hold a special meeting. This special meeting will be held at:

**TARC's Headquarters, Board Room
1000 W. Broadway, Louisville, KY 40203**

Thursday, July 27, 2023 at 4:00 p.m.

This meeting is also being held via teleconference as permitted by KRS 61.826.

Members of the public and/or TARC staff may watch a livestream of the meeting by going to www.facebook.com/ridetarc; the livestream will be at the top of the page; No Facebook account is needed.

Pursuant to the Americans with Disabilities Act, persons with a disability may request a reasonable accommodation for assistance with the meeting or meeting materials. Please contact Stephanie Isaacs at 502.561.5103. Requests made as early as possible will allow time to arrange accommodation.

TARC BOARD OF DIRECTORS MEETING

Agenda – July 27, 2023



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|------|--|---------------|-----------|
| I. | Quorum Call/Call to Order | | 4:00 |
| II. | Election of Chair Pro Tem | | 4:05 |
| III. | Board Positions | | |
| | a. Nominating Committee Report | | 4:05 |
| IV. | Action Items | | 4:15–4:40 |
| | a. Resolution 2023 - 15
Bus Stop Access Improvements | Aida Copic | |
| | b. Resolution 2023- 16
Purchase of Ultra Low Sulfur Diesel Fuel | Maria Harris | |
| | c. Resolution 2022 - 13 Amendment No. 2
Purchase of Fare Media | Matt Abner | |
| | d. Resolution 2020-49 Amendment No. 1
TARC Employee Handbook | Pat Mulvihill | |
| | e. Resolution 2023- 17 Update to
TARC Drug and Alcohol Policy | Melissa Fuqua | |
| V. | Adjournment | Chair Pro Tem | 4:45 |

MEMORANDUM



To: TARC Board of Directors

From: Carrie Butler, Executive Director

Date: July 27, 2023

Re: Resolution 2023 – 15 – Bus Stop Access Improvement Program

Improving access to, as well as the appearance and comfort of, bus stops is essential to TARC's success. In order to address this important work, TARC has for many years maintained an agreement with Louisville Metro Government (Metro) to provide Bus Stop Improvements and Pedestrian Access Upgrades. A previous version of this intergovernmental agreement was in place through June 2023. Jennifer Caummisar-Kern, Metro Louisville's Director of Metro Public Works and Assets, on behalf of Metro, has agreed to a new agreement with an effective date of July 1, 2023. The agreement is valid through June 30, 2026.

Our responsibilities under the agreement are to identify and prioritize the improvements to be made in coordination with Metro Public Works and Assets, and to contribute funds we receive from the Federal government that are intended to improve access to transit service and bus stop improvements. Under this new proposed agreement, TARC is agreeing to provide up to \$1,500,000 in Federal funds to the project and TARC has no obligation to provide local funds towards the project. The source of \$750,000 of the funds are Surface Transportation Block Grant funds for the Louisville Urbanized area that have been flexed to TARC. This agreement does not require us to spend the total \$1,500,000 federal amount, but gives the ability to do so if additional federal funds become available for that purpose.

In the past, by working together with Metro Public Works and Assets, TARC has added or replaced sidewalks and shelters throughout the TARC services area in and around the Louisville Metro Area, Kentucky, including without limitation relevant areas of Southern Indiana. Many more miles of sidewalks and pedestrian connectors need to be installed or replaced, but there has been significant progress that this resolution will seek to continue the forward progress.

This Resolution requests that the Executive Director be given the authority to enter into an agreement with Metro to contribute up to \$1,500,000 in Federal funds towards the joint Bus Stop Improvements and Pedestrian Access Upgrades project over the next three years.

If you have any questions, please call me at (502) 562-5100.



RESOLUTION 2023 – 15

Bus Stop Access Improvement

A Resolution authorizing the Board to grant the Executive Director the authority to enter into an agreement with Louisville Metro Government to expend up to \$1,500,000 in Federal funds awarded to TARC for construction of Bus Stop Improvements and Pedestrian Access Upgrades by the Federal Government.

WHEREAS, TARC has maintained an intergovernmental agreement with Louisville Metro Government for construction of Bus Stop Improvements and Pedestrian Access Upgrades for over a decade; and

WHEREAS, eliminating barriers to fixed route transit by improving access to, as well as the appearance and comfort of, bus stops is essential to TARC's success; and

WHEREAS, TARC and Louisville Metro Government have negotiated an agreement that covers work performed between July 1, 2023 and June 30, 2026, and that expedites planning and maximizes coordination of bus stop improvement projects; and

WHEREAS, that agreement only obligates TARC to contribute Federal funds awarded to it for the purposes of bus stop access and pedestrian improvements of up to \$1,500,000; however, if such amount awarded to TARC is less than \$1,500,000, then such lesser amount is what TARC will contribute; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Transit Authority of River City that:

The Executive Director is hereby authorized to expend up to \$1,500,000 in Federal Funds, or a lesser amount, based on the actual amount awarded to TARC by the Federal Government for construction of Bus Stop Improvements and Pedestrian Access Upgrades through its agreement with Louisville Metro Government, which expires on June 30, 2026.

ADOPTED THIS 27th DAY OF JULY, 2023

Chair of the TARC Board of Directors



MEMORANDUM

To: TARC Board of Directors

From: Carrie Butler, Executive Director

Date: July 27, 2023

Re: Resolution 2023-16 Purchase of Ultra Low Sulfur Diesel (ULSD) #2 from Invitation To Bid (ITB) Online Reverse Auction 20231815

The majority of TARC's fleet relies on Ultra Low Sulfur Diesel (ULSD) as the source of fuel. The purchase of diesel fuel is a vital commodity for TARC. As such, TARC has utilized a variety of procurement methods over the years in order to guarantee consistent delivery of fuel as well as secure the best possible price. The average market rates for the United States are \$3.16 for the past ten years. For the past two years, TARC paid \$1.79 per gallon, which was an extremely beneficial firm fixed price. The incumbent vendor, Colonial Oil Industries, could no longer guarantee that price and the existing contract (20211044) for fuel expires July 31, 2023 (Resolution 2021-04). Given recent inflationary pressures, the TARC Procurement team researched and subsequently executed a reverse auction for this purchase of ULSD. The company used for the reverse auction is eBridge, a locally-owned small and woman-owned business that facilitates online, real-time dynamic auction that enhances competition among qualified vendors. In a reverse online auction, vendors compete to supply a product or service by offering lowering bids to the buyer.

Thus, on June 7, 2023, the Procurement Department released a two-step process procurement. Step-One beginning with an Invitation to Bid (20231815) to receive unpriced technical proposals for purchase of ULSD #2 fuel. On July 7, 2023, a total of ten (10) responses were received and all unpriced technical proposals complied to TARC's requirements and were deemed responsive. Subsequent to submission of unpriced technical proposals, all ten (10) progressed to Step-Two reverse auction where they received training on how to bid online and learned the parameters of bidding. On July 14, 2023, a live real-time online reverse auction was held in the Union Station Board Room and conducted by eBridge along with the Procurement team and Directors of relevant departments.

The online reverse auction lasted for a total of sixty (60) minutes and the lowest and winning bid of \$2.6199 per gallon for an initial term of twelve (12) months with an option of an additional twelve (12) months was awarded to James River Solutions.

At this time, the Board of Directors is respectfully requested to authorize the Executive Director to enter into an agreement with an initial term of twelve (12) months and an option of an additional twelve (12) months with James River Solutions for purchase of ULSD #2 fuel.

Please call me at 561-5100 if you have any questions. Thank you.



RESOLUTION 2023-16

Purchase of Ultra Low Sulfur Diesel (ULSD) #2 Fuel

A Resolution authorizing the Executive Director to enter into an agreement with James River Solutions for an initial term of twelve (12) months and an additional option of twelve (12) months for up to a total of twenty-four (24) months:

WHEREAS, TARC conducted a 2-Step procurement process for purchase of ULSD #2 fuel; and,

WHEREAS, in Step-1, TARC released an Invitation to Bid 20231815 on June 7, 2023, seeking an unpriced technical response proposal from qualified vendors for purchase of ULSD #2 fuel; and,

WHEREAS, in Step-2, TARC facilitated an online reverse live and real-time auction on July 14, 2023, acquiring the lowest price; and,

WHEREAS, TARC received a proposal from James River Solutions, which was deemed responsive and based on pricing analysis, the bid price was fair and reasonable; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Transit Authority of River City that:

The Executive Director is hereby authorized to enter into an agreement with James River Solutions for Twelve (12) Months with an option to exercise another Twelve (12) Month term based upon the online reverse auction price of \$2.6199 per gallon for ULSD #2 fuel.

ADOPTED THIS 27th DAY OF JULY 2023

Chair of the Board of Directors

MEMORANDUM



To: TARC Board of Directors

From: Carrie Butler, Executive Director

Date: July 27, 2023

Re: Resolution 2022-13 Amendment 2 Additional Authority for Purchase of Fare Media

In April 2022, the TARC Board of Directors approved Resolution 2022-13 allowing the Executive Director to enter into and execute a contract with Genfare SPX for the services of an Automated Fare Collection system consisting of hardware equipment in all TARC buses, software application, licensing, and fare media.

In February 2023, a resolution was approved by the TARC Board of Directors to amend the contract thus increasing the annual authority to purchase fare media from \$125,000 to \$250,000. This increase was requested due to rising costs resulting from inflation as well as increased ticket requests from our non-profit community partners.

We have been contacted once again by a number of non-profit and community partners requesting additional orders of fare media products. This includes Jefferson County Public Schools (JCPS) to assist in transporting children to and from school.

This resolution is a request for authority to increase the not-to-exceed amount for the purchase of fare media and fare box parts an additional \$125,000 for a revised total not-to-exceed of \$370,000 annually.

Attached is a resolution requesting increased authority for the purchase of fare media and fare box parts.

Please call me at 561-5100 if you have any questions. Thank you.



RESOLUTION 2022-13 Amendment 2 Purchase of Fare Media (RFP P-2662)

A Resolution authorizing the Executive Director additional spending authority for the purchase of fare media and fare box parts not-to-exceed \$370,000 annually.

WHEREAS, TARC issued RFP P-2662, a Request for Proposal for Automated Fare Collection System; and

WHEREAS, TARC considered this procurement a “Sole Source” due to the fact that no other vendor can supply and support Genfare equipment and Genfare Link; and

WHEREAS, the original agreement with Genfare was a 5-year agreement; and

WHEREAS, fare media and parts may also be needed to be purchased; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Transit Authority of River City that:

The Executive Director is hereby authorized for additional spending authority for the purchase of fare media and fare box parts, not to exceed \$370,000 annually for the remaining life of the contract.

Adopted this 27th Day of July 2023

Chair of the Board of Directors



MEMORANDUM

To: TARC Board of Directors

From: Carrie Butler, Executive Director

Date: July 27, 2023

Re: Resolution 2020 – 49 Amendments and Updates to TARC Employee Handbook

In October 27, 2020, the TARC Board adopted a significant revision to the Employee Handbook, which had not been updated since 2000. This new proposed amendment has many stylistic and technical changes. In addition, this amendment updates TARC's missions and values, which were recently adopted by this Board as part of TARC's Strategic Plan. This amendment also includes a new Gender Identity and Expression Policy that TARC has implemented as well as make changes to its Worker's Compensation Program. Here is a list of the changes:

- Section 1.0 Modified to only include the first paragraph of the current welcome letter.
- Section 2.0 Change of title – "TARC Code of Conduct and Policies".
- Section 2.0 Modified to no longer include the map of the Company Facilities.
- Section 2.0 Modified to include a new Section, 2.4, Employee Protections.
- Section 2.1 Adds that employees must report accurately the reasons for missing work.
- Section 2.2 Adds a new Mission Statement (Making Your Journey Our Priority).
- Section 2.3 Modified to no longer include specific individuals' names (III and IV).
- Section 2.4 Includes three Sections that were originally part of Section 5.0 (Section 5.2 Employee Protections from Intolerable Behavior and Conduct in the Workplace and How and to Whom to report, Section 5.3 Religious Accommodation, and 5.4 Disability Accommodation).
- Section 2.4 Includes a new paragraph on Gender Identity and Expression.
- Section 3.3 Adds that employees have to complete six months of employment in their current position to meet the minimum job requirements to apply for a position in a different department. This requirement does not apply to intradepartmental positions.
- Section 4.1 Adds that departments now have their own attendance and call-in procedure.
- Section 4.3 Adds that the direct deposit can be made on personal bank accounts or pay cards and encourages the use of the pay and benefits App.
- Section 4.4 Adds the reimbursement in full for any improper deductions from pay.
- Section 4.9 Reflects the Board approved a Resolution to adopt an updated Financial Management Policy.
- Section 5.0 Change of numbering of paragraphs.
- Section 5.1 Change of title – "Expectations and Standards of Behavior and Conduct of Employees".



- Section 5.1 Extends the complaint procedure to any workplace complaint (no longer limited to reporting discrimination and harassment).
- Section 5.2 Modified to no longer include specific individuals' names.
- Section 5.3 Adds that a religious accommodation can be requested from the Diversity and Inclusion Office.
- Section 5.4 Adds that an accommodation due to disability can be requested from the Diversity and Inclusion Office.
- Section 5.5 Adds that employees must report arrests and conviction of criminal activity.
- Section 5.7 Adds that any violation of the non-solicitation/non-distribution policy must be reported to the employee's Manager.
- Section 5.8 Updates personal appearance standards to add that employees can be sent home on personal time to groom or change clothes.
- Section 5.9 Adds that performances reviews only apply to administrative, non-union employees.
- Section 5.12 Change of title – "Hiring and Promotions".
- Section 6.0 Change of numbering of paragraphs.
- Section 6.3 Adds that TARC verify and monitor compliance by employees to maintain CDLs.
- Section 6.5 Change of title – "Cell Phone/Mobile Device Policy".
- Section 6.7 Adds that TARC physical address shall not be used for personal mail or packages.
- Section 6.8 Adds the employee identification cards to the list of items that need to be reported if lost.
- Section 6.9 Change of title – "Internet and Social Media Policies".
- Section 6.9 Adds that TARC employees are responsible for content post on their personal social media accounts.
- Section 6.10 Clarifies that only members of the Executive Leadership Team and Marketing Department have permission to speak on behalf of TARC or grant approval for others to do so.
- Section 6.11 Grants right of TARC to have an on-site investigation as needed for any claim made.
- Section 6.13 Replaces "success cards" with "employee badge".
- Section 7.0 Adds word currently to benefits offered by TARC.
- Section 7.6 Clarifies that the Executive Management is in charge of reviewing and approving Tuition Assistance request form.
- Section 7.7 Adds that FMLA Leave can now be found under the new Section 7.15.
- Section 7.7 Amends "CONTINUED MEDICAL LEAVE OF ABSENCE" and "PERSONAL LEAVE OF ABSENCE".
- Section 7.8 Adds Juneteenth to the TARC's paid holidays list.
- Section 7.10 Eliminates the FT New Hire Employees (based on hiring quarter) chart and changes the maximum of hours that will be paid as compensation for vacation leave from 80 to 40.



- Section 7.10 Adds that if vacation time is not taken and employee leaves prior to 90 days of employment, the employee will forfeit any vacation benefit they have been given.
- Section 7.11 Adds that for more specific call-in procedures employees must refer to their Department rules and that the two retirement options offered by TARC are available only if the employee meets the KPPA qualifications.
- Section 7.13 Amends Workers' Comp Policy to require that after being out for 12 months for a work-related injury or illness, the employee either comes back to work or shall be administratively separated.
- Section 7.13 Modified to exclude workers' comp benefits if an employee get injured while attending on-site yoga classes, using the on-site gym equipment, or while exercising on TARC property.
- Section 7.15 Is new and entitled "Family and Medical Leave (FMLA) Policy.
- Section 8.4 States that job accidents and injuries must be reported within the deadline set by Safety and Security.
- Section 8.7 Change of title – "Drug and Alcohol Prevention".
- Section 8.7 Clarifies that the employee has the responsibility to review the job description with his medical provider to ensure he can perform his job safely while taking any medication.
- Section 8.9 Has been rephrased as follows "Smoking indoors is completely prohibited, including use of e-cigarettes. Employees may smoke tobacco products and e-cigarettes as allowed in designated smoking areas and 15 to 25 feet away from the building. Employees may not use smokeless or chewing tobacco while on shift or on property in uniform".
- Section 8.11 Adds that suggestions for improving Safety and Security in the Workplace should be directed to Safety and Security Department.
- Section 9.0 Requires an employee to review his personal or medical file in the presence of a Human Resources team member.
- The Closing Statement has been rephrased.
- The Acknowledgment of Receipt and Review of the Employee Handbook specifies that a TARC employee is an employee at will unless he is covered by a collective bargaining agreement.

This Resolution asks the Board to approve the amendment to the Employee Handbook and to direct the Executive Director, or designee, to make employees aware of the changes made thereto.

Please contact me with any questions at (502) 561-5100. Thank you.



RESOLUTION 2020 – 49

Amendments and Updates to TARC Employee Handbook

A resolution to approve amendments and updates to TARC's Employee Handbook and to authorize the Executive Director or designee to make employees aware of such changes.

WHEREAS, TARC wants its employees to know that TARC takes very seriously its obligations and responsibilities to follow all applicable federal, state and local laws and for its employees to know what those laws are; and

WHEREAS, in order to ensure laws are adhered to by TARC and its employees, TARC has created policies, procedures and guidelines, which are set forth in an Employee Handbook and which was most recently adopted by this Board in October 2020; and

WHEREAS, TARC has reviewed this Handbook and is now proposing to make some amendments and updates to such Handbook; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Transit Authority of River City that:

1. The amendments and updates to TARC's Employee Handbook are hereby approved; and
2. The Executive Director, or designee, is hereby authorized to make employees aware of the changes to such Handbook.

ADOPTED THIS 27th DAY OF JULY 2023

Chair of the Board of Directors

AMENDMENT NO. 1 TO EMPLOYEE HANDBOOK DATED 2021

Pursuant to Section 1.1, About this Handbook, TARC seeks to modify or add the following provisions to the Employee Handbook, dated 2021, as follows:

- I. Section 1.0, Welcome, is hereby amended to only include the first paragraph of the current welcome letter, as follows:

You have just joined a team of dedicated professionals who have been essential to the success of Greater Louisville since 1974. As an organization, we have ~~a lot~~ of numerous ambitious goals and with the full support of our staff, we continue to provide and improve upon the delivery of service our customers expect.
- II. The title of Section 2.0 is hereby amended to read as follows:

~~Company Facilities~~
TARC Code of Conduct and Policies
- III. Section 2.0 is hereby modified to no longer include the TARC Facilities Map.
- IV. Section 2.1, TARC Code of Conduct, is hereby modified to include a new paragraph 19, as follows:

19. Employees shall honestly report and account for their time, including reasons for unavailability or missing work.
- V. Section 2.2, Mission Statement, is hereby amended to read as follows:

Mission – Making your journey our priority.
Vision – To be the trusted and reliable mobility choice.
Values – Excellence: I will be resilient and tenacious as we strive to deliver excellence;
Appreciation: I will appreciate and value my colleagues;
Inclusivity: I will maintain an environment that values equity and an open diversity of thought;
Accountability: I will foster a culture of ownership;
Integrity: I will approach my work with integrity;
Respect: I will show respect in my interactions with both colleagues and our community;
Reliability: I will execute on the commitments I make;
Collaboration: I will be transparent in my communication with others.
- VI. Section 2.3, EQUAL OPPORTUNITY STATEMENT, the tenth paragraph in this Section is hereby amended to read as follows:

Complaints can be made by phone to our Diversity and Inclusion Officer, ~~Tim Findley~~, at (502) 561-5106, diversityinclusion@ridetarc.org, using the Ethics Tip-line by calling 1-844-916-1266, by email at <http://ridetarc.ethicspoint.com>, or by mail or in person at 100 W. Broadway, Louisville, KY 40203.

- VII. Section 2.3, EQUAL OPPORTUNITY STATEMENT, the eleventh paragraph in this Section is hereby amended to read as follows:

~~Sarah Majdiak
Regional Civil Rights Officer
Federal Transit Administration, Region IV
230 Peachtree Street, NW, Suite 1400
Atlanta, GA 303036-1512
sarah.majdiak@dot.gov
Tel: (404) 865-5639 / Fax: (404) 865-5605~~

Office of Civil Rights
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
United States

Phone: 888-446-4511

- VIII. Section 2.0, TARC Code of Conduct and Policies, is hereby amended to include a new Section, 2.4, Employee Protections.

- IX. Section 2.4, Employee Protections, is hereby amended to now include three Sections that were originally part of Section 5.0, PERFORMANCE, DISCIPLINE, LAYOFF, AND TERMINATION: Section 5.2, Employee Protections from Intolerable Behavior and Conduct in the Workplace and How and to Whom to report, Section 5.3, Religious Accommodation, and Section 5.4, Disability Accommodation.

- X. The title of the first paragraph of Section 2.4, Employee Protections, is hereby amended to read as follows:

~~What You Can Expect From TARC~~
Employee Protections from Intolerable Behavior and Conduct in the Workplace and How and to Whom to report

- XI. Section 2.4, Employee Protections, the paragraph entitled "Reporting Discrimination and Harassment" is hereby modified to include a new sentence at the beginning of the paragraph and to no longer include specific individuals' names, as follows:

You can report allegations of discrimination and harassment to multiple sources.

- XII. Section 2.4, Employee Protections, is hereby amended to include a new paragraph, as follows:

Gender Identity and Expression

These terms shall be defined as follows:

- A. "Dead Name" means the name assigned at the time of birth but rejected by a transgender individual.
B. "Gender Expression" means an individual's characteristics and behaviors (such as appearance, dress, mannerism, speech, and social interactions) that may be perceived as masculine, feminine, or androgynous.

- C. “Gender Identity” means a person’s internal, deeply felt sense of being male, female, or a combination of both, fluid, or neither, regardless of the sex they were assigned to at birth.
- D. “Gender Non-Conformity” means the way an individual expresses their gender identity or expression, which may not match a conventional image associated with a particular gender.
- E. “Misgendering” means the act of referring to an individual using pronouns other than the individual declared gender pronouns.
- F. “Non-binary- refers to an individual whose gender identity falls outside of the gender binary, meaning an individual does not identify as strictly female or male. Non-binary individuals may use pronouns other than “he” or “she”, such as “they”, “ze”, or “hir”.
- G. “Transgender Individual” means a person whose gender identity or expression is different from their designated gender at birth.
- H. “Transition” means the time period when a person begins to live according to their gender identity, rather than the sex they were assigned at birth. Possible steps in a gender transition may include changing one’s appearance, dress, name, or pronoun.

TARC strives to promote an accommodating, nondiscriminatory environment for employees and the public regardless of their gender identity or expression, or perceived gender non-conformity.

A transgender employee shall be treated with dignity and respect at all times. Acts of disrespect in violation of this policy include, but are not limited to:

- A. Referring to an employee as “it”, “a transgender” (used as noun rather than an adjective), “transsexual”, “tranny”, or other derogatory term;
- B. Intentionally misgendering an employee;
- C. Inquiring about an employee’s:
 - a. Genitalia or secondary sex characteristics;
 - b. Sexual orientation, romantic or sexual relationships, or sexual history; or,
 - c. Sex assigned at birth;
- D. Inquiring about, repeating to others, or referring to an employee by their Dead Name;
- E. Inquiring if an employee has completed, or intends to complete, any counseling, hormone replacement therapy, gender-affirming surgery, or other personal health decision; or,
- F. Denying an employee’s request to change employee’s gender marker.

A transgender individual shall be supported in dressing consistently with their gender identity or expression and shall be required to comply with the same standards of dress and appearance as apply to all other TARC employees in their workplace and similar position.

Transgender individuals shall have access to restrooms and sanitary facilities consistent with their gender identity or expression.

XIII. Section 2.4, Employee Protections, the paragraph entitled “Religious Accommodation”, is hereby amended to read as follows:

TARC is dedicated to treating its team members equally and with respect and recognizes the diversity of their religious beliefs. All team members may request an accommodation when their religious beliefs cause a deviation from TARC dress code or the individual’s schedule, basic job duties, or other aspects of employment. TARC will consider the request but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that will be considered are cost, the effect than an accommodation will have on current established policies, and the burden on operations – including other team members – when determining a reasonable accommodation. At no time will TARC question the validity of a person’s belief.

If you require religious accommodation, speak with your manager, the Diversity and Inclusion Office, or the Human Resources department.

TARC is respectful of all religions and faiths, therefore it is the policy of TARC to allow employees to display religious items in private work areas but prohibit the display of religious items where the employee’s workspace is in common or public area. That being said TARC retains the right to prohibit any religious symbol it deems inappropriate. Title VII of the Civil Rights Act requires that employers accommodate an employee’s sincerely held religious belief in engaging in religious expression in the workplace to the extent that they can do so without undue hardship on the operation of the business.

XIV. Section 2.4, the paragraph entitled “Disability Accommodation”, the first sentence of the second paragraph is hereby amended to read as follows:

If you require an accommodation because of your disability, it is your responsibility to notify your manager, or the Diversity and Inclusion Office.

XV. Section 2.4, the paragraph entitled “Disability Accommodation”, the first sentence of the third paragraph is hereby amended to read as follows:

After receiving your request, TARC will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations as established by your physician.

XVI. Section 3.1, Job Descriptions, first and third paragraphs are hereby amended as follows: TARC maintains a job description for each position. If you do not have a current copy of your job description, you ~~should~~ may request one from the Human Resources department at (502) 561-5141.

If you have any questions regarding your job description or the scope of your duties, please speak with your ~~Manager~~ Supervisor.

- XVII. Section 3.3, Posting of Openings, last paragraph is hereby amended to read as follows:
 Job posting/vacancy notices are posted on TARC's applicant tracking system, external job boards like Indeed.com, and ridetarc.org. Any employee, who has completed six months of employment in their current position, meets the minimum job requirements, and is interested in a particular job posting/vacancy in a different department, should submit the appropriate, timely application materials in accordance with the posted process. This does not apply to intradepartmental promotions.
- XVIII. Section 3.4, Training Program, last sentence of the first paragraph, is hereby amended as follows:
 It is the responsibility of ~~Human Resources~~ the Training Department to facilitate, sponsor, and seek programs and resources for organizational staff development activities and processes.
- XIX. Section 3.4, Training Program, second bullet point of the fourth paragraph, is amended to read as follows:
- All trainings will be documented on our system of record (~~Ellipse~~) for tracking purposes with any certificates and/or other documentation verifying completion status.
- XX. Section 4.1, Attendance Policy, the paragraph entitled "Administrative Employees" is hereby modified to include a new sentence at the end of the first part of the first paragraph, as follows:
Departments may have their own attendance and call-in procedure, which is more specific, for their employees to follow.
- XXI. Section 4.3, Direct Deposit, is hereby amended to read as follows:
 All team members must enroll in direct deposit with their personal bank accounts upon employment, or obtain a ~~Wisely Pay Card~~ pay card. The net amount of your weekly pay check will be deposited each pay date in your personal bank accounts and/or ~~Wisely Pay Card~~ pay card.
- If you have selected the direct deposit payroll service, ~~ADP will send you~~ you will receive electronic pay stubs to your mobile device on each pay date. If you selected the ~~Wisely Pay Card~~ pay card, ~~ADP will deposit the~~ your funds will be deposited onto the card on each pay date, and you may use the ~~ADP Mobile Solution~~ pay and benefits app to access the activity on the ~~Wisely Pay Card~~ pay card.
- ~~ADP MOBILE SOLUTIONS APP PAY AND BENEFITS APP~~
 TARC encourages all team members to download the ~~ADP Mobile Solutions~~ pay and benefits app on your mobile device to access ~~your~~ weekly pay statements, annual tax documents, ~~Wisely Pay Card~~ pay card, and your ~~Healthcare Benefits~~ benefits enrollment information.

If you need assistance setting up your account, please visit or call TARC's Payroll and/or Human Resource Department.

XXII. Section 4.4, Payroll Deductions, is hereby amended to read as follows:

TARC is required by law to make certain deductions from your pay each period time. This includes income and employment taxes, and Federal Insurance Contributions Act (FICA) contributions (Social Security and Medicare). The amount of your tax deductions will depend on your earnings and your anticipated filing status on your federal Form W-4 and applicable state withholding form. Other deductions required under law and by court order such as wage garnishments, child support, tax levies, federal and state student loans and bankruptcies will be withheld according to both federal and state laws. You may also authorize voluntary deductions from your paycheck, including contributions for insurance premiums, retirement plans, spending accounts, Union dues, or other ~~services~~ benefits. Your deductions will be reflected in your wage statement.

TARC will not make deductions to your pay that are prohibited by federal, state, or local law. If you have any questions about deductions from your pay, contact your manager. You will be reimbursed in full for any ~~isolated, inadvertent, or~~ improper deductions, as defined by law. If an error is found, you will receive an adjustment, which will be paid no later than your next regular payday.

XXIII. Section 4.6, Recording Time, paragraph entitled "Administrative Employees" is hereby amended to read as follows:

Department heads (or their designee) are required to submit weekly ~~timesheets~~ hours worked accounting for the entire scheduled workday for all nonexempt and exempt administrative employees within the department (including appropriate Leave Reason Codes for any scheduled hours not worked). Weekly ~~timesheets~~ hours worked must be signed by the department head (or their designee). These records are required by governmental regulations and are used to calculate regular and overtime pay.

If you are required to clock in, you should clock in no more than five (5) minutes ahead of your start time and clock out no later than five (5) minutes after your quitting time without approval of your supervisor.

XXIV. Section 4.9, Use of Employer Credit Cards, the last paragraph is hereby amended to read as follows:

Credit Card usage is subject to the Board adopted Resolution governing financial management dated ~~2018-28~~ 2022-01, or as last amended. ~~Employees with access to TARC credit cards must understand and acknowledge, in writing, the rules governing the use of TARC credit cards.~~

XXV. The numbering of the paragraphs in Section 5.0, PERFORMANCE, DISCIPLINE, LAYOFF, AND TERMINATION, is hereby modified to read as follows:

- 5.1 ~~What TARC Can Expect From You~~ Expectations and Standards of Behavior and Conduct of Employees
- 5.2 Criminal Activity/Arrest
- 5.3 Outside Employment
- 5.4 Non-solicitation/Non-distribution Policy
- 5.5 Dress Code
- 5.6 Performance
- 5.7 Employment Verifications
- 5.8 Employee Record Access
- 5.9 ~~Promotions~~ Hiring and Promotions
- 5.10 Workforce Reductions (Layoffs) and Position Eliminations
- 5.11 Exit Interview

XXVI. The title of Section 5.1 is hereby amended to read as follows:

~~What TARC Can Expect From You~~
Expectations and Standards of Behavior and Conduct of Employees

XXVII. Section 5.1, Expectations and Standards of Behavior and Conduct of Employees, paragraph entitled "Reporting Discrimination and Harassment" is hereby amended to read as follows:

Reporting Discrimination, Harassment or any other workplace complaint

If you feel that you have witnessed or have been subjected to any form of discrimination or have any other workplace complaint or if you believe there is inappropriate conduct or activity on the part of TARC, management, its team members, vendors, customers, or any persons or entities related to TARC, it is your responsibility to bring your concerns to the attention of your manager at a time and place that will allow your manager to properly listen to your concern. Most problems can be resolved informally through dialogue between you and your immediate manager. If you have already brought this matter to the attention of your manager before and do not believe you have received a sufficient response, or if you believe that person is the source of the problem, present your concerns to the Diversity & Inclusion office, Human Resources or upper level management. Describe the problem, those persons involved in the problem, efforts you made to resolve the problem, and any suggested solution you may have.

XXVIII. Section 5.5, Criminal Activity/Arrests, is hereby amended to read as follows:

~~TARC~~ Employees will report all arrests and convictions of criminal activity to Human Resources and the Legal Department. Involvement in criminal activity while employed by TARC – whether on or off TARC property – may result in disciplinary action including, suspension, with or without pay pending investigations, or termination of employment. Failure to report any arrest or conviction may result in disciplinary action as set forth above.

XXIX. Section 5.7, Non-solicitation/Non-distribution Policy, the last sentence is hereby amended to read as follows:

Violations of this policy should be reported to your Manager.

XXX. Section 5.8, Dress Code, the fourth paragraph is hereby amended to read as follows:
Failure to comply with the personal appearance standards may result in being sent home, on personal time, to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

Employees who fall under the CBA will adhere to the Uniform Policy and contractual guidelines.

XXXI. Section 5.9, PERFORMANCE, "PERFORMANCE REVIEWS", the third paragraph is hereby amended to read as follows:

Salary increases and promotions will be based on performance, qualifications, skills and experience. Informal performance evaluation is a continuous process. Performance review will be held at least annually, in accordance with TARC procedure. A copy of the performance review will be given to and discussed with the employee and a copy ~~placed in the employee's personnel file~~ retained in the Human Resources system of record.

XXXII. Section 5.9, PERFORMANCE, "PERFORMANCE REVIEW", the fourth paragraph is hereby amended to read as follows:

Promotions will be made based on the needs of the company. All salary adjustments and promotions must be approved by the director of Human Resources and the Executive Office. ~~All salary adjustments must remain within the constraints of the budget.~~

XXXIII. Section 5.9. PERFORMANCE, the paragraph entitled "PROGRESSIVE DISCIPLINE", is hereby modified to eliminate the subtitle "Administrative Employee" and to include a new paragraph, that was originally under subtitle "Step 4: Recommendation for termination/separation of employment" and now provided under the subtitle "Disciplinary Review", as follows:

Disciplinary Review

In all situations a disciplinary review will be conducted to evaluate the facts and circumstances. In certain cases, we may be required to review camera footage and other forms of evidence to determine the facts. Any camera footage considered as evidence will be secured and stored on the shared drive for future reference.

However, TARC reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

XXXIV. Section 5.11, Employee Record Access, the first and the fourth paragraphs are amended to read as follows:

TARC is required to keep accurate, up-to-date employment records on all employees to ensure compliance with state and federal regulations, to keep benefits information current, and to make certain that important mailings reach all employees. Employees must inform TARC of any necessary updates to their personnel file information such as change of address, ~~changed~~ telephone

numbers, emergency contact, marital status, number of dependents or names of covered beneficiaries.

All current employees will be permitted to review their personnel files at reasonable times, under supervision, after reasonable advance notice of review.

XXXV. The title of Section 5.12 is hereby amended to read as follows:

~~Promotions~~
Hiring and Promotions

XXXVI. The numbering of the paragraphs in Section 6.0, General Policies, is hereby modified to read as follows:

6.1 Bulletin Boards
6.2 Computer Security and Copying of Software
6.3 Driving Record
6.4 Employer Sponsored Social Events
6.5 Cell Phone/Mobile Device Policy
~~6.7~~ 6.6 Personal Data Changes
~~6.8~~ 6.7 Mail Use Policy
~~6.9~~ 6.8 Security
~~6.10~~ 6.9 Media Policies
~~6.11~~ 6.10 Third Party Disclosures
~~6.12~~ 6.11 Teleworking
~~6.13~~ 6.12 Telephone Use
6.14 6.13 Use of Company Technology
~~6.15~~ 6.14 Use of Employer Vehicles
~~6.16~~ 6.15 Workplace Privacy and Right to Inspect

XXXVII. Section 6.3, Driving Record, the first paragraph is hereby amended to read as follows:

TARC conducts regular reviews of current Motor Vehicle Records (MVR) of all TARC employees, to verify and monitor compliance by employees to maintain their licenses per federal and state laws.

XXXVIII. Section 6.5, ~~Employer-Provided~~ Cell Phone/Mobile Device Policy, is hereby modified to be combined with Section 6.6, and entitled as follows:

~~Employer-Provided~~ Cell Phone/Mobile Device Policy

XXXIX. Section 6.7, Mail Use Policy, the first paragraph is hereby amended to read as follows:

You are required to limit usage of the TARC postal mail service to business purposes only. You shall not use the TARC address to receive personal mail or packages. Do not use the TARC postage meter for your personal mail.

XL. Section 6.8, Security, the first paragraph is hereby amended to read as follows:

All team members are responsible for helping to make TARC a secure work environment. Upon leaving work, lock all desks, lockers, and doors protecting valuable or sensitive material in your work area and report any lost or stolen keys, employee identification cards, passes, or similar devices to your Manager

immediately. Refrain from discussing specifics regarding TARC security systems, alarms, passwords, etc. with those outside of TARC.

XL I. The title of Section 6.9 is hereby amended to read as follows:

~~Media Policies~~

Internet and Social Media Policies

XL II. Section 6.9, Internet and Social Media Policies, the third paragraph is hereby modified to read as follows:

You are solely responsible for the content you post on your personal social media accounts; however, keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers or otherwise affects TARC's partners, customers, suppliers, people who work on behalf of TARC or TARC's business interests will not be tolerated and may result in disciplinary action up to and including termination. In addition, any inappropriate post that includes private company records, false information, discriminatory remarks or comments, harassment, and threats of violence or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination and possible legal consequences.

XL III. Section 6.10, Third Party Disclosure, is hereby modified to read as follows:

From time to time, TARC may become involved in news stories and/or legal proceedings. Lawyers, former team members, reporters, law enforcement agencies, and other outside persons may attempt to solicit comment or information from current team members. Only members of the Executive Management team and Marketing & Communication Department have permission to speak on behalf of TARC or grant approval for others (including both union and non-union members) to do so with respect to official business.

If under any circumstances you are asked to comment or provide information with respect to TARC's official business regarding TARC, you should refer any request for comment or information to TARC's Communications & Marketing Department. If you have any questions about this policy or are not certain what to do in the event you are asked to provide such information, contact TARC's Marketing & Communication Department.

XL IV. Section 6.11, Teleworking, item (3) of the second paragraph, the first sentence is hereby amended as follows:

An employee participating in the Telework Program must complete the Permission to Telecommute form prior to starting a teleworking arrangement that is expected to last longer than one (1) week.

XL V. Section 6.11, Teleworking, paragraph (7), is hereby modified to include a new sentence at the end of such paragraph, as follows:

TARC reserves the right to have an on-site investigation performed as needed for any claim made.

XLVI. Section 6.13, Use of Company Technology, bullet point number 8, is hereby modified as follows:

- Building access including keys and employee badge.

XLVII. Section 7.0, Benefits, the first sentence of such Section, is hereby modified to read as follows:

TARC currently offers a wide variety of generous benefit plans including Health, Dental, Vision, Life and Disability Insurance at minimal cost to employees.

XLVIII. Section 7.1, Eligibility for Benefits, is hereby modified to read as follows:

All regular full-time team members are eligible to participate in TARC's group insurance plans on the first day of the month following their full-time effective date. Employees should see Human Resources Employees or the Benefit Guide regarding all other plans as eligibility and effective dates may differ.

XLIX. Section 7.6, Tuition Reimbursement, second paragraph, is hereby modified to read as follows:

Employees may obtain a Tuition Assistance Policy and/or Request Form from the ~~Human Resources~~ Training Department. Forms should be completed and returned to the ~~Human Resources~~ Training Department at least 15 business days prior to course start date for review and approval by Executive Management. A separate form must be completed for each course.

L. Section 7.7, Leave, the paragraph entitled '**FMLA LEAVE**' is hereby amended to read as follows:

~~The Family and Medical Leave Act (FMLA) grants — eligible employees the right to take time off work because of their own serious health condition, the serious health condition of a spouse, child or parent, and for the placement of a child for adoption or foster care.~~

~~Additionally, a subset of the FMLA is Military Family Leave. There are two types of leaves available, they are: Military Caregiver Leave (Covered Service member Leave) and Qualify Exigency Leave. These leaves allow for an employee to care for an injured or ill member of the Armed Forces or handle the affairs of a member of the National Guard and Reserves.~~

For information regarding FMLA Leave please see Section 7.15, Family and Medical Leave (FMLA) Policy, and/or contact the Human Resources Department.

LI. Section 7.7, Leave, is hereby amended to include a new paragraph entitled "Continued Medical Leave of Absence", as follows:

CONTINUED MEDICAL LEAVE OF ABSENCE

Employees on approved FMLA leave for their own medical condition are eligible to request a Continued Medical Leave of Absence if unable to return to work after using all available FMLA leave.

Continued Medical Leave may be approved for up to fourteen (14) weeks. Continued Medical Leave is limited to an employee's own medical condition, and may be approved for continuous (not intermittent) leave when the employee needs

additional leave and is not able to return to work when their FMLA leave is exhausted. Under Continued Medical Leave, the employee must utilize all available sick leave, otherwise the leave is unpaid. Employee may apply for short-term disability compensation (see Short-Term Disability Compensation, Section 7.7, last paragraph, of this handbook).

Employees shall submit the same certification form that is required when requesting Family and Medical Leave to Human Resources. Additional medical information may be required by the Director of Human Resources or designee.

TARC may pay for a second opinion from a health care provider not regularly employed by TARC to verify information about the employee's continuing medical condition. If this second opinion conflicts with the certification provided by the employee, then TARC may pay for a final third opinion by a health care provider selected by both TARC and the employee, which will stand as the final determination.

If an employee has previously requested and been approved for less than the fourteen (14) weeks of available Continued Medical Leave, and further leave is necessary, the employee may apply by submitting the appropriate leave of absence application. This new application must be submitted at least five (5) days before the end of the initial approved leave, or as soon as possible in an emergency. Additional leave time must be certified by the employee's health care provider.

No leave shall be given that exceeds the fourteen (14) weeks of leave provided in this policy, subject to the Americans with Disabilities Act and other applicable federal, state, and local laws.

Employees returning to work from medical leave shall provide:

- A. At least five (5) business days' notice of intent prior to their return to work; and
- B. A written statement from the treating healthcare provider indicating the release to return to work. CDL holders are required to visit TARC's occupational medical provider for their return to work certification.

TARC may pay for an employee to be examined by a health care provider of TARC's choosing for additional opinions about the employee's medical fitness to return to work.

An employee returning to work shall be returned to their present position or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

The decision to approve or deny the requested leave is final and completely within the discretion of TARC.

PERSONAL LEAVE OF ABSENCE

A Personal Leave of Absence may be granted to eligible employees for medical and/or personal reasons not covered by Family and Medical Leave, Continued Medical Leave of Absence, or any other type of leave provided by TARC. A Personal Leave of Absence shall not be an extension of leave when all available Family and Medical Leave and Continued Medical Leave of Absence have been exhausted.

Personal Leave of Absence may be approved for up to six (6) weeks in any "rolling" 12-month calendar year, and may be approved for continuous (not intermittent

leave). If leave is for a medical reason, the employee must utilize all available sick time, otherwise the leave is unpaid unless the employee elects to use available vacation time. If leave is for a non-medical reason, the leave is unpaid unless the employee elects to use available vacation time.

A Personal Leave of Absence shall be submitted to the Director of Human Resources or designee at least ten (10) working days before the need for leave, except in an emergency when the request shall be submitted as soon as possible. The Director of Human Resources shall review in consultation with the employee's department director for whether to approve or deny a Personal Leave of Absence. TARC may consider factors including, but not limited to:

- A. Operational needs of the department that may be impacted by the employee's absence;
- B. Overtime that may result from the employee's absence;
- C. Availability of qualified personnel to perform the employee's job while absent; and/or
- D. Amount of leave requested.

Employees requesting a Personal Leave of Absence due to a medical reason not covered by Family and Medical Leave or Continued Medical Leave may be required to provide proof of the need for leave to the Department of Human Resources from a health care provider.

If out for more than 30 days for a medical reason, CDL holders are required to visit TARC's occupational medical provider for their return to work certification.

The decision to approve or deny the requested leave is final and completely within the discretion of TARC.

Short-Term Disability Compensation

Full-time employees without available sick leave may request an application for Group Short Term Disability (STD) from Human Resources. TARC's STD benefit provides partial income replacement for up to 26 weeks for non-work-related injuries or illnesses on the latter of the 8th day of disability or exhaustion of sick pay. Qualification for STD is decided by TARC's carrier and covers compensation for the employee while on medical leave, and does not equate to approved leave or affect the employee's eligibility for leave and/or duration.

TARC also offers full-time, eligible employees Voluntary Short-Term Disability (VSTD). This policy, if elected by the employee during open enrollment, provides income replacement for non-work-related injuries or illness for up to 24 weeks beginning on the 15th day of disability. Qualification for VSTD by the carrier covers compensation for the employee while on medical leave, and does not equate to approved leave or affect the employee's eligibility for leave and/or duration.

- LII. Section 7.8, Holiday, is hereby amended to include in the holidays list an additional holiday, Juneteenth.
- LIII. Section 7.10, Paid Vacation Leave, is hereby amended to no longer include the FT New Hire Employees (based on hiring quarter) chart.

LIV. Section 7.10, Paid Vacation Leave, the last bullet point is hereby amended to read as follows:

Paid compensation for vacation leave, in lieu of time off, will not be granted except with the approval of the Department Director up to a maximum of ~~80~~ 40 hours per calendar year.

If vacation time is not taken and you leave prior to 90 days of employment, you will forfeit any vacation benefit you have been given.

LV. Section 7.10, Paid Vacation Leave, is hereby amended to include an additional bullet point, as follows:

- Vacation can only be taken in half-day or full-day increments.

LVI. Section 7.11, Paid Sick Leave, letter i), is hereby amended to read as follows:

i) Upon retirement, if the employee meets the KPPA qualifications, the following two (2) options are available for the unused sick leave accumulation:

- 1) TARC will buy back up to a maximum of one hundred forty-five (145) sick days or no more than one thousand one hundred sixty (1160) at one hundred percent (100%) of the team members pay rate.
- 2) The unused sick leave can be used to advance a normal retirement date. However, any unused vacation time must be used before sick time for the purpose to advance a normal retirement date.

LVII. Section 7.13, Workers' Compensation Insurance Policy, is hereby modified to include a new paragraph, as follows:

Team members who sustain injuries or illnesses while participating in activities such as yoga, exercising, the use of gym equipment, etc., or while participating in any sponsored work event, are not entitled to workers' compensation benefits.

LVIII. Section 7.13, Workers' Compensation Insurance Policy, is hereby modified to include an additional sentence at the end of the Section, to read as follows:

If an employee is unable to return to work from a work-related injury or illness within a twelve (12) month period, the employee shall be administratively separated.

LIX. Section 7.15, Family and Medical Leave (FMLA) Policy, is hereby included to read as follows:

In accordance with the Family and Medical Leave Act of 1993 (FMLA), TARC provides up to 12 weeks of unpaid, job-protected leave in a 12-month period to cover employees in certain circumstances, unless you are a covered Servicemember or a family member of the covered Servicemember, which may entitle you up to 26 weeks of unpaid, job-protected leave.

Eligibility

To qualify for FMLA leave, you must:

1. Have worked for the Agency for at least 12 months, although it need not be consecutive;
2. Worked at least 1,250 hours in the last 12 months; and

3. Be employed at a worksite that has 50 or more employees within 75 miles.

Leave Entitlement

You may take up to 12 weeks of unpaid FMLA leave in 12-month period for any of the following reasons:

- The birth of a child and in order to care for that child (leave must be completed within one year of the child's birth);
- The placement of a child with you for adoption or foster care and in order to care for the newly placed child (leave must be completed within one year of the child's placement);
- To care for a spouse, child, or parent with a serious health condition;
- To care for your own serious health condition, which makes you unable to perform any of the essential functions of your position; or
- A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.

TARC uses a "rolling" 12-month period, measured backward from the date an employee uses any FMLA leave.

As used in the policy:

- **Spouse** means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
- **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- **Parent** means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to you when you were a child.
- **Next of kin** for the purpose of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as his or her caregiver, that individual will be the only next of kin. In appropriate circumstances, you may be required to provide documentation of next of kin status.
- **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as

the cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. If you have any questions about the types of conditions that may qualify, contact Human Resources.

- **Health care provider** means a medical doctor or doctor of osteopathy, physician assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, clinical social circumstances, a chiropractor or other provider recognized by our group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- **Qualifying exigencies** for military exigency leave include:
 - Short-notice call-ups/deployments of seven days or less (**Note:** Leave for this exigency is available for up to seven days beginning the date of call-up notice);
 - Attending official ceremonies, programs, or military events;
 - Special child care needs created by a military call-up including making alternative child care arrangements, handling urgent and nonroutine child care situations, arranging for school transfers, or attending school or daycare meetings;
 - Making financial and legal arrangements;
 - Attending counseling sessions for yourself, the military service member, or the military service member's son or daughter who is under 18 years of age or is 18 or older but incapable of self-care because of a mental or physical disability;
 - Rest and recuperation (**Note:** Leave for these events are available for 90 days following the termination of active duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
 - Parental care when the military family member is needed to care for a parent who is incapable of self-care (such as arranging for alternative care or transfer to a care facility); and
 - Other exigencies that arise that are agreed to by both the Agency and you.
- A **serious injury/illness** incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

Notice and Leave Request Process

If the need for leave is foreseeable because of an expected birth/adoption or planned medical treatment, you must give at least 30 days' notice. If 30 days' notice is not possible, give notice as soon as practicable (within one or two business days of learning of your need for leave). Failure to provide appropriate notice may result in the delay or denial of leave.

In addition, if you are seeking intermittent or reduced schedule leave that is foreseeable due to planned medical treatment or a series of treatments for yourself, a family member, or covered service member, you must consult with your manager first regarding the dates of this treatment to work out a schedule that best suits your needs or the needs of the covered military member, if applicable, and your department.

If the need for leave is unforeseeable, provide notice as soon as possible. Normal call-in procedures apply to all absences from work, including those for which leave under this policy may be requested. Failure to provide appropriate notice may result in the delay or denial of leave.

TARC agrees to backdate FMLA absences for up to 14 days from when the completed form is received in Human Resources.

Certification Need of Leave

If you are requesting leave because of your own or a covered relative or a covered relative's serious health condition, you and the relevant health care provider must supply appropriate medical certification. Leave request forms can be found in Human Resources Department or your Department Attendance Office.

When you request leave, Human Resources will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

At our expense, TARC may require an examination by a second health care provider designated by us. If the second health care provider's opinion conflicts with the original medical certification, we, at our expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Subsequent medical recertification may also be required. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

The Agency also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

Call-in Procedures

In all instances of absence, your department's call-in procedures and standards established for giving notice of absence from work must be followed.

Leave Increments

Intermittent Leave

If medically necessary, FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

Parental Leave

FMLA leave is unpaid. If you are taking parental, family care, military exigency, and/or military care leave, you may utilize available vacation, or sick leave time during this leave. If you are taking personal medical leave, you must utilize available sick during this leave. If you are receiving short-term disability during a personal medical leave, you will be required to utilize sick leave time.

Fitness for Duty Requirements

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. You will not be permitted to resume work until it is provided. CDL holders are required to visit occupational medicine provider for RTW physical certification if you are out for more than 30 days.

Your health insurance coverage will be maintained by the Agency during leave on the same basis as if you were still working. You must continue to make timely payments of your share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. If this occurs, you will be notified 15 days before the date coverage will lapse that coverage will terminate unless payments are promptly made.

Alternatively, at our option, the Agency may pay your share of the premiums during the leave and recover the costs of this insurance upon your return to work. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period. Under most circumstances, if you do not return to work at the end of leave, the Agency may require reimbursement for the health insurance premiums paid during the leave.

Reinstatement

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

Spouse Aggregation

If you and your spouse are both employed by the Agency, the total number of weeks to which you are both entitled in the aggregate because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to 12 weeks per leave year. Similarly, spouses employed by the Agency

will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for your own serious condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

Failure to Return

If you fail to return to work or fail to make a request for an extension of leave prior to the expiration of the leave, you will be deemed to have voluntarily terminated your employment. The Agency is not required to grant requests for open-ended leaves with no reasonable return date under these policies or as disability accommodations.

Alternative Employment

While on leave of absence, you may not work or be gainfully employed either for yourself or others unless express, written permission to perform such outside work has been granted by your department director and Human Resources. If you are on a leave of absence and are found to be working elsewhere without permission, you will be subject to disciplinary action up to and including termination.

Interaction with State and Local Laws

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits that are more favorable to the employee, as provided by these laws, will apply.

Abuse of Leave

If you are found to have provided a false reason or information for a leave, including when calling in to use intermittent leave, you will be subject to disciplinary action up to and including termination.

Designation of Leave

If TARC becomes aware of any qualifying reason for FMLA leave, TARC will designate it as such. An employee may not refuse FMLA designation under this policy.

Retaliation

The Agency will not retaliate against team members who request or take leave in accordance with this policy. Approved use of designated FMLA leave shall not be considered in an evaluation of an employee's job performance, considered as the basis for disciplinary action, or held against this employee in a way with regards to the employee's position, benefits, and job-related activities.

LX. Section 7.11, Paid Sick Leave, Subsections c), e), and i) are hereby amended to read as follows:

c) Any request for sick leave must be communicated to the immediate supervisor, department head, or designated representative, prior to the starting time of the

regular work assignment. Department policies and procedures may have more specific rules for call-in procedures.

e) The intent of sick leave is to provide leave for illness or injury only. Under no circumstances will an employee be paid for unused sick leave upon the termination of employment, except in case of retirement as provided in (i).

i) Upon retirement, if the employee meets the KPPA qualifications, the following two (2) options are available for the unused sick leave accumulation:

- 1) TARC will buy back up to a maximum of one hundred forty-five (145) sick days at one hundred percent (100%) of the team members pay rate.
- 2) The unused sick leave can be considered as time worked to advance a normal retirement date.

LXI. Section 8.4, Safety and Accidents, first, seventh and eighth bullet points and the very last sentence of Subsection 8.4, are hereby amended as follows:

- Employees are required to perform job duties in the way they were trained. Any personal protective equipment (e.g. gloves, masks, goggles, safety shoes, protective equipment, etc.) must be used. Personal protective equipment should be kept in good repair and should be checked for defects and fit prior to work; you must report any defects to your supervisor immediately. Defective equipment should not be used, remember working safely is a condition of employment.
- Employees must immediately report all on-the-job accidents to their immediate supervisor and Safety and Security. A report of First Report of Injury must be ~~filled out~~ completed within twenty-four hours (24) of reported injury or as soon as reasonably practicable due to severe illness, injury or hospitalization. Reporting on your next work shift is not an acceptable practice.
- All injuries, regardless of severity, should be reported to Safety and Security immediately. In addition, reports should be completed on all injuries within twenty-four hours (24) of reported injury or as soon as reasonably practicable due to severe illness, injury or hospitalization. Employees who witness an accident/injury should also complete a statement immediately. Near misses, unsafe acts or hazardous conditions should be reported to Safety and Security, Department Heads and Supervisors. Employees who are negligent in performing their duties that lead to an accident/injury may be issued discipline, up to and including termination.

When in doubt about any Safety or Security procedure, ~~please~~ immediately call the Safety and Security Department for assistance.

LXII. The title of Section 8.7 is hereby amended to read as follows:

~~Drug and Alcohol Policy~~
Drug and Alcohol Prevention

- LXIII. Section 8.7, Drug and Alcohol Prevention, the paragraph entitled 'Prohibited Conduct' is hereby amended to read as follows:
- Nothing in this policy is meant to prohibit your appropriate use of over-the counter medication or other medication that can legally be prescribed under both federal and state law, if it does not impair your job performance or safety or the safety of others. If you take over-the-counter medication or other medication that can legally be prescribed under both federal and state law ~~to treat a disability~~ for medical treatment, inform your manager if you believe the medication may impair your job performance, safety, or the safety of others. You are responsible for reviewing your job description with your medical provider to ensure you can perform your job safely while taking any medication.
- LXIV. Section 8.9, Smoking Policy, is hereby amended to read as follows:
- Smoking indoors is completely prohibited, including use of e-cigarettes. Employees may smoke ~~cigarettes~~ tobacco products and e-cigarettes as allowed in designated smoking areas and 15 to 25 feet away from the building. Employees may not use smokeless ~~tobacco~~ or chewing tobacco while on shift or on property in uniform.
- LXV. Section 8.11, Policy Against Workplace Violence, the paragraph entitled 'Employee Suggestions or Improvements for Security and/or Safety in the Workplace' is hereby amended to read as follows:
- Any suggestions for improving this safety policy or the security of the workplace should be directed to ~~Human Resources~~ Safety and Security.
- LXVI. Section 9.0, Confidentiality of Information, the second to last paragraph is hereby amended to read as follows:
- Supervisors and others in management may have access to your personnel file for possible employment-related decisions. If you wish to review your personnel or medical records file, you must give TARC reasonable notice. Inspection must occur in the presence of a TARC ~~representative~~ Human Resources team member.
- LXVII. The Closing Statement of the Employee Handbook is hereby amended to read as follows:
- Congratulations on your decision to ~~join~~ be a member of our TARC team and community. You ~~have joined~~ belong to a great team at a pivotal and exciting time in the organization's history.
- Thank you for taking the time to read through your handbook. We hope it has provided you with an understanding of our mission, history, and structure as well as our current policies and guidelines.
- We hope you'll remember, TARC is more than a handbook. We are a team of diverse, and dedicated people working to serve our community. We want everyone in the organization to have a sense of purpose in their position, be prosperous, and strive to find the best possible place to contribute their best work. There is no limit to your professional growth here at TARC, and we encourage everyone to grow into new positions of leadership and responsibility.

We're happy to have you as a member of our team, and look forward to ensuring a safe, productive, and rewarding environment for everyone here at TARC, and the customers we serve.

~~Your TARC Team~~

LXVIII. The second paragraph of the Acknowledgment of Receipt and Review of the Employee Handbook is hereby amended to read as follows:

I understand that neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. I further understand that, unless I am covered by a collective bargaining agreement or I have a written employment agreement signed by an authorized TARC representative, I am employed "at-will" (to the extent permitted by law) and this handbook does not modify my "at-will" employment status.

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 2 – TARC CODE OF CONDUCT AND POLICIES

Section 2.1

- Modified to include a new paragraph, as follows: 19. Employees shall honestly report and account for their time, including reasons for unavailability or missing work.

Section 2.2

- New Mission Statement and Values

Mission – Making your journey our priority.

Vision – To be the trusted and reliable mobility choice.

Values – Excellence: I will be resilient and tenacious as we strive to deliver excellence;

Appreciation: I will appreciate and value my colleagues;

Inclusivity: I will maintain an environment that values equity and an open diversity of thought;

Accountability: I will foster a culture of ownership;

Integrity: I will approach my work with integrity;

Respect: I will show respect in my interactions with both colleagues and our community;

Reliability: I will execute on the commitments I make;

Collaboration: I will be transparent in my communication with others.

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 2 – TARC CODE OF CONDUCT AND POLICIES

New Section 2.4, Employee Protections

- TARC has implemented a new Policy on Gender Identity and Expression.

TARC strives to promote an accommodating, nondiscriminatory environment for employees and the public regardless of their gender identity or expression, or perceived gender non-conformity.

A transgender individual shall be supported in dressing consistently with their gender identity or expression and shall have access to restrooms and sanitary facilities consistent with their gender identity or expression.

SECTION 3 – HIRING AND ORIENTATION POLICIES

Section 3.3

- Adds that employees have to complete 6 months of employment in their current position to meet the minimum job requirements to apply for a position in a different department. The requirement does not apply to interdepartmental promotions.

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 4 – WAGE AND HOUR POLICIES

Section 4.1

- Adds that departments may have their own Attendance Policy and their call-in procedure.

Section 4.9

- Reflects that the Board approved a Resolution to adopt an updated Financial Management Policy that lay out the rules for the use of the credit card.

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 5 – PERFORMANCE, DISCIPLINE, LAYOFF AND TERMINATION

Section 5.5

- Adds that employees must report arrests and convictions of criminal activity.

Section 5.8

- Updates personal appearance standards to add that employees can be sent home on personal time to groom or change clothes.

Section 5.9

- Adds that performances reviews only apply to administrative, non-union employees.

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 6 – GENERAL POLICIES

Section 6.3

- Adds that TARC verify and monitor compliance by employees to maintain CDLs.

Section 6.9

- Clarifies that TARC employees are responsible for content post on their personal social media accounts.

Section 6.10

- Clarifies that only members of the Executive Department and Marketing Department have permission to speak on behalf of TARC or grant approval for others to do so with respect to official business.

Section 6.11 - Teleworking

- Grants right of TARC to have an on-site investigation as needed for any claim made in order to investigate a Workers' Comp claim.

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 7 - BENEFITS

Section 7.8

- Adds Juneteenth to the TARC's paid holiday list.

Section 7.10

- Changes that the maximum of hours that will be paid as compensation for vacation leave from 80 to 40, and adds that if vacation time is not taken and the employee leaves prior to 90 days of employment, the employee will forfeit any vacation benefit they have been given.

Section 7.11

- Adds that the two retirement options for unused sick leave offered by TARC are available only if the employee meets the KPPA qualifications:
 1. TARC will buy back up to a maximum of 145 sick days or no more than 1160 hours at 100% of the team members pay rate.
 2. The unused sick leave can be used to advance a normal retirement date. However, any unused vacation time must be used before sick time.



AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 7 - BENEFITS

Section 7.13

- Amends Workers' Comp Policy to require that after being out for 12 months for a work-related injury or illness, the employee either comes back to work or shall be administratively separated; also, the section is modified to exclude workers' comp benefits if an employee gets injured while attending on-site yoga classes, using the on-site gym equipment, or while exercising on TARC property.

Section 7.15

- This section is new and entitled "Family and Medical Leave (FMLA) Policy".

AMENDMENT NO.1 TO EMPLOYEE HANDBOOK 2021

SECTION 8 – SAFETY AND LOSS PREVENTION

Section 8.4

- Specifies that a report of First Report of Injury must be completed within 24 hours of reported injury or as soon as reasonably practicable due to severe illness, injury or hospitalization.

Section 8.7

- Adds that employees are responsible for reviewing their job description with their medical provider to ensure they can perform their job safely while taking any medication.



MEMORANDUM

To: TARC Board of Directors

From: Carrie Butler, Executive Director

Date: July 27, 2023

Re: Resolution 2023-17 TARC Drug and Alcohol Policy

The attached resolution requests the adoption of an updated drug and alcohol policy. Drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the United States Department of Transportation (USDOT) in 49 CFR Part 40 and Part 655, as Amended. In addition, drugs are prohibited in the workplace by the Drug-Free Workplace Act of 1988 located in 20 CFR Part 29.

This update was undertaken in part due to the recent passage of Kentucky's Senate Bill 47 'An Act relating to medicinal cannabis' and subsequent changes to Kentucky Revised Statutes (KRS) Chapter 218A. Although, these changes do not alter the policy and program except to make clear that use of marijuana is still prohibited under USDOT rules.

The policy is attached herein to the resolution and a list of the changes follow:

- Revisions included in attached document and
- Restates Safety Sensitive positions
- Confirms actions on post accident drug and alcohol screen
- Updates to Employee Assistance Program information
- Medication Approval Form
- Reference to Medical Marijuana

Please call me at 561-5100 if you have any questions. Thank you.



RESOLUTION 2023-17

TARC Drug and Alcohol Policy 2023 Update

A resolution to approve updates to TARC's Drug and Alcohol Policy and to authorize the Executive Director to implement any procedural changes from the policy change.

WHEREAS, drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the United States Department of Transportation (USDOT) in 49 CFR Part 40 and Part 655, as Amended, and;

WHEREAS, drugs are prohibited in the workplace by the Drug-Free Workplace Act of 1988 located in 20 CFR Part 29, and;

WHEREAS, the Transit Authority of River City has revised its drug and alcohol policy to be fully compliant with the aforementioned regulations, and;

WHEREAS, the by-laws of the Transit Authority of River City Government provide that the Board of Directors shall have the power to set policies;

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Transit Authority of River City hereby adopts and approves the revised drug and alcohol policy which is attached hereto and incorporated herein by reference.

ADOPTED THIS 27th DAY OF JULY 2023

Chair of the Board of Directors



DRUG AND ALCOHOL POLICY

ORIGINAL 1994, MULTIPLE REVISIONS

- Revisions included in attached document
- State Safety Sensitive positions
- Confirm actions on post accident drug and alcohol screen
- Update Employee Assistance Program information
- Medication Approval Form
- Reference to Medical Marijuana

Drug and Alcohol Policy



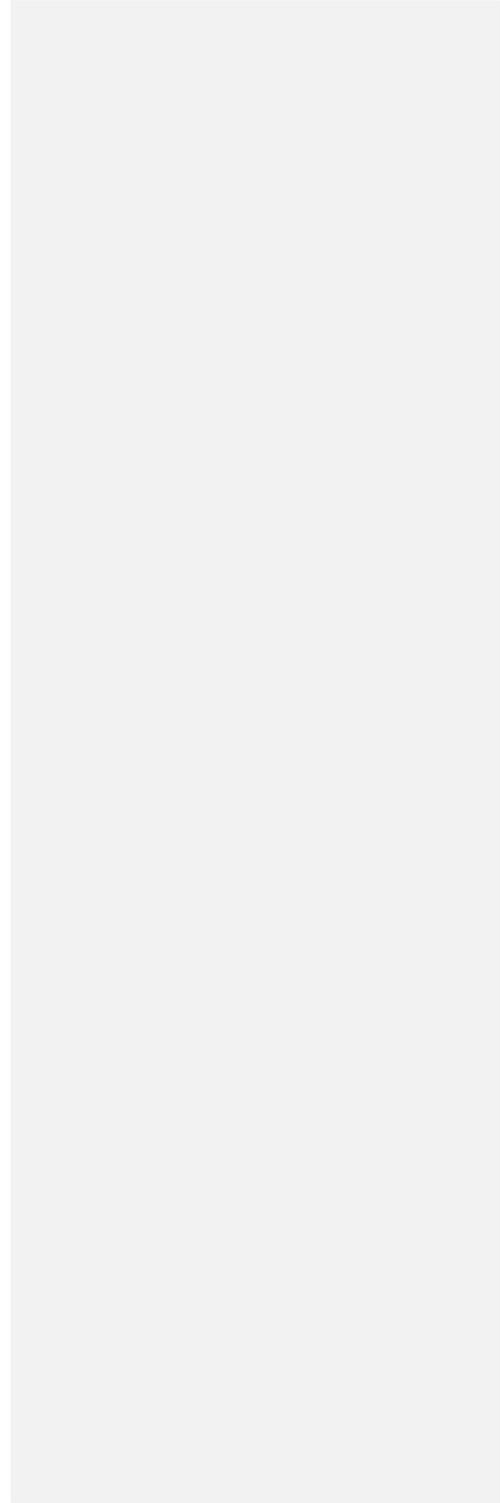
Adopted 10/17/1994
Revised 2003, & 2008
Updated 2009, 2010, 2014, 2017, 2023

Drug and Alcohol Policy



DRAFT

Adopted 10/17/1994
Revised 2003, & 2008
Updated 2009, 2010, 2014, 2017, 2023



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DRUG AND ALCOHOL POLICY/PROGRAM**

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Regulatory Overview

This Substance Abuse Policy complies with:

- Federal Transit Administration (FTA) regulations mandating drug and alcohol testing for employees performing safety-sensitive functions (49 CFR Part 655);
- U.S. Department of Transportation (DOT) Procedures for Transportation Workplace Drug Testing Programs (49 CFR Part 40);

TARC has established additional requirements under this policy for both safety sensitive and non-safety sensitive employees.

**TRANSIT AUTHORITY OF RIVER CITY
DRUG AND ALCOHOL POLICY/PROGRAM**

**Part 1 – Policy Statement
Drug Abuse and Alcohol Misuse**

I. Introduction

The Transit Authority of River City (TARC) is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. TARC is also dedicated to protecting its most valuable asset, its employees, by providing a healthy and safe working environment. In meeting these goals it is our policy to:

- **Ensure that employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner;**
- **Create a workplace free from the adverse effects of drug abuse and alcohol misuse;**
- **Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances.**

TARC cares about the health and well being of its employees. Any employee who believes they are having an alcohol or drug dependency problem should seek treatment before their job performance is affected. TARC and ATU 1447 have been committed to working on drug abuse and alcohol misuse issues for several years and adopted a “Joint Policy Statement on Alcohol/Drug Abuse” on June 20, 1988. A copy of that statement is attached as Appendix A. Additionally, on a related topic, the Drug Free Workplace Act applies to TARC and its employees as the recipient of federal grant funds. TARC’s policy relative to the Drug Free Workplace Act is attached as Appendix B.

Any questions about the policy or testing program may be addressed to the Director of Human Resources at (502) 561-5141.

A. Purpose

The purpose of this policy is to ensure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol misuse programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, 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 U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens.

B. Applicability

This policy applies in general to all transit system employees, including contract employees and contractors when they are on transit property performing a safety sensitive function or when performing transit-related business off property involving a safety sensitive function; and supervisors when performing a safety sensitive function. Employees and contractor’s who perform safety-sensitive functions, will be subject to alcohol and drug testing as required by Federal regulations. Participation in TARC’s drug abuse and alcohol misuse testing program is a requirement for each covered employee, contractor or volunteer, and therefore is a condition of employment

Employees performing non-safety sensitive functions may be subject to pre-employment, reasonable suspicion, and post-accident testing. This is a TARC, but not federal, requirement.

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Generally, a safety-sensitive function occurs when an employee is performing, ready to perform or immediately available to perform any duty related to the operation of public transportation services. The following are safety-sensitive functions:

- Operating a revenue service vehicle, whether or not such vehicle is in revenue service.
- Controlling dispatch or movement of a revenue service vehicle.
- Maintaining a revenue service vehicle or equipment used in revenue service.
Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment.
- Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Drivers License (CDL).
- Carrying a firearm for security purposes.
- Supervising, where the supervisor performs any functions listed in items above.

Those positions determined to be Safety Sensitive are:

Transportation Department:

<u>Coach Operator</u>	<u>Dispatch Supervisor</u>
<u>Full Time Clerk</u>	<u>Dispatch Manager</u>
<u>Part Time Clerk</u>	<u>Operations Supervisor</u>
<u>Full Time Radio Operator</u>	<u>Control Center Manager</u>
<u>Part Time Radio Operator</u>	<u>Relief Supervisor</u>
<u>Part Time Training Instructor</u>	<u>Data Analyst Manager</u>
	<u>Operations Manager</u>
	<u>Control Center Manager</u>
	<u>Transportation Training Manager</u>
	<u>Training Supervisor</u>
	<u>Assistant Director of Transportation</u>
	<u>Director of Transportation</u>

Maintenance Department:

<u>Technical Group I</u>	<u>Division Maintenance Supervisor</u>
<u>Technical Group II</u>	<u>Vehicle Maintenance Supervisor</u>
	<u>General Maintenance Supervisor</u>
<u>Non-Tech Group III</u>	<u>Service Maintenance Supervisor</u>
	<u>Maintenance Training Manager</u>
	<u>Assistant Director of Maintenance</u>
	<u>Director of Maintenance</u>

Other:

All contract service providers including but not limited to Armed Security Police, Tire Employees, Paratransit Provider.

Transportation

- Coach Operator
- Clerk (Part-Time Clerk, Full-Time Clerk and Clerk/Radio Operator)
- Dispatch Coordinator
- Dispatch Manager
- Radio Operator

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~~Relief Supervisor~~
~~Road Supervisor~~
~~Supervisor of Radio Operations~~
~~Supervisor of Road Operations~~
~~Transportation Supervisor~~

Maintenance

~~Assistant Director of Maintenance~~
~~Division Maintenance Supervisor (all)~~
~~Non-Technical Group III~~
~~Non-Technical Group IV~~
~~Service Maintenance Supervisor~~
~~Technical Group I~~
~~Technical Group II~~
~~Vehicle Maintenance Supervisor (all)~~

Other

~~Transportation Training Manager~~
~~Armed Contract Security Police~~
~~Contracted Tire Employees~~
~~Other Contract Carriers' Operators, Mechanics, and Dispatchers~~
~~Paratransit Contract Operators, Mechanics, and Dispatchers~~

C. Prohibited Substances and Behavior

Prohibited drugs are defined as: illegal controlled substance including, but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDEA or the USFDA. Illegal use includes use of any illegal drug, misuse of legally prescribed or over the counter drugs, or illegally obtained prescription drugs.

The use of any beverage or mixture, including any medication, containing alcohol while on call, for 4 hours prior to, or while performing a safety-sensitive function, or for up to 8 hours following an accident is also prohibited.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label indicating that mental functioning, motor skills, or judgment will or may be adversely affected must be reported to supervisory personnel prior to performing safety-sensitive duties. However, employees are required to inform medical professionals of the nature of their job functions so as to determine whether prescribed medications or treatment may adversely affect job performance. It is the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. The misuse or abuse of legal drugs while performing TARC business is prohibited. For DOT drug testing, if the MRO determines that an employee has a legitimate medical reason for the presence of a prohibited drug in their urine specimen, the MRO will report the test result as negative to TARC. However, the MRO may also medically disqualify an employee from performing safety-sensitive duties because of medication use. For further information, see 49 CFR 40.135 (d).

TRANSIT AUTHORITY OF RIVER CITY DRUG AND ALCOHOL POLICY/PROGRAM

Pursuant to the Drug-Free Workplace Act of 1988, all transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on Authority premises, in Authority vehicles, or while on Authority business. **Employees who violate this provision will be immediately terminated. Law enforcement will be notified, as appropriate, where criminal activity is suspected.**

Any safety-sensitive or non-safety-sensitive employee, who is reasonably suspected of being intoxicated, impaired, or not fit for duty shall be suspended without pay from job duties pending an investigation and verification of condition. **Employees who fail to pass a drug and/or alcohol test shall be removed from duty immediately and terminated.** A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

All safety-sensitive and non-safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. **Employees violating these provisions will be terminated.** Any safety-sensitive and non-safety-sensitive employees with a confirmatory breath alcohol test result of 0.02 or greater will be immediately removed from duty. Under TARC policy, a safety-sensitive or non-safety-sensitive employee with a confirmatory breath alcohol test result with a concentration of .02 or greater, but less than .04 will be immediately removed without pay for the remainder of their shift and will be suspended without pay for three (3) days upon a first offense. A second offense will result in termination. Prior to returning to work, the safety-sensitive employee must submit to and pass a DOT breath alcohol retest and the non-safety-sensitive employee must submit to pass a Non-DOT breath alcohol retest (concentration of .02 or less).

II. Testing for Prohibited Substances

The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, 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.

All employees, contractors and volunteers performing safety-sensitive functions will be subject to testing prior to employment or transfer to a safety-sensitive function; for reasonable suspicion; on a random basis; or following an accident. Non-safety-sensitive employees are subject to pre-employment, reasonable suspicion, and post-accident testing per TARC policy.

Any bargaining unit employee requested to take a test under this program shall be able to request union representation. TARC will attempt to contact a union representative, but such effort shall not delay the testing.

A. Confidentiality

TARC affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Results shall not appear in an employee's general personnel file. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the covered employee's use of prohibited drugs or alcohol, including any records pertaining to his or her drug or alcohol tests.

TARC shall disclose data for its drug or alcohol testing program and any other information pertaining to its anti-drug or alcohol misuse prevention program required to be maintained when requested by the

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Secretary of Transportation or any of its employees. TARC shall permit access to all facilities utilized in complying with the requirements to the Secretary of Transportation or any DOT agency with regulatory authority over TARC or any of its employees.

When requested by the National Transportation Safety Board as part of an accident investigation, TARC shall disclose information related to its administration of a drug or alcohol test following the accident under investigation.

TARC may disclose information required to be maintained under the regulations pertaining to a covered employee to the employee or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of a drug or alcohol test administered under the regulations, or from TARC's determination that the employee engaged in conduct prohibited by this program, including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the covered employee.

TARC shall release information regarding a covered employee's record as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

Information of this nature will be contained in a separate confidential file that will be kept under the control of the Drug and Alcohol Program Manager and the Human Resources Coordinator. Such information will be shared only with those as necessary, as allowed, or as required by the regulations.

B. Methodology

Urine drug testing and breath testing for alcohol may be conducted under TARC policy or as required by federal regulations. All safety-sensitive employees shall be subject to pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing as defined in other sections of this policy.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved, by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures in 49 CFR Part 40, as amended. Copies of 49 CFR Part 40 are available for review by employees in the Human Resources Department. An electronic version of 49 CFR Part 40 is also available for download at the Office of Drug and Alcohol Policy and Compliance website (<http://www.dot.gov/ost/dapc/index.htm>). The collection procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

Drugs: DOT regulations only permit urine testing for the following five drugs: marijuana, cocaine, opiates, amphetamines, phencyclidine and MDMA. Urine specimens will be collected using the split specimen collection method as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a Federal Drug Testing Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens with non-negative initial drug screen results, confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 40 CFR 40.87. Part 2 (I) Drug Testing Procedures lists the minimum thresholds established for each drug and /or its metabolites. The Medical Review Officer (MRO) will notify the employee of the verified positive test and the employee will then have 72 hours to request a test of the split sample by a second DHHS approved laboratory.

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A positive confirmatory test result, above the minimum thresholds set forth by federal regulation and verified by a Medical Review Officer (MRO), will be considered a violation of the rule. The MRO will notify the employee of the verified positive test and the employee will then have 72 hours to request a test of the split sample by a second DHHS approved laboratory.

Alcohol: Breath alcohol testing will be conducted using a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) device operated by a trained breath alcohol technician (BAT). All breath alcohol test results will be reported only by an MRO or BAT to the Designated Employer Representative (DER). If the initial test indicates a breath alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. **A safety-sensitive or non-safety-sensitive employee who has a confirmatory breath alcohol test result of 0.02 or greater will be immediately removed from duty.** Under TARC policy, a safety-sensitive employee with a confirmatory breath alcohol test result with a concentration of .02 or greater, but less than .04 will be immediately removed without pay for the remainder of their shift and will be suspended without pay for three (3) days upon a first offense. A second offense will result in termination. A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and a violation of this policy and federal requirements in 49 CFR Part 655.

Any safety-sensitive employee with a confirmed positive drug test result, confirmatory breath alcohol test result of 0.04 or greater, or refuses to submit to a drug or alcohol test will be immediately removed from their safety-sensitive position, terminated, and referred to a Substance Abuse Professional (SAP) for assessment and referral in accordance with 49 CFR Part 40.

Any non safety-sensitive employee with a confirmed positive drug test result, confirmatory breath alcohol test result of 0.04 or greater, or refuses to submit to a drug or alcohol test will be immediately removed from their safety-sensitive position, terminated, and referred to Employee Assistance Program (EAP).

Non-safety-sensitive employees are exempt from FTA regulations included in this policy, but are governed under TARC's own policy and testing authority.

C. Types of Testing

Pre-Employment Testing: All safety-sensitive position applicants shall undergo urine drug testing and transfers from non-safety sensitive to safety-sensitive positions shall undergo urine drug testing and breath alcohol testing- (following procedures set forth in 49 CFR 655.41 and 49 CFR Part 40) prior to hire or transfer into a safety-sensitive position. Receipt by TARC of a verified negative drug test result is required prior to employment. **A verified positive pre-employment drug and/or alcohol test will disqualify an applicant for employment.** Any safety-sensitive applicant who undergoes a pre-employment test, but is not actually assigned safety sensitive duties within 90 days from the date of the test, will have to retest with negative test results prior to the applicant's first performance of safety-sensitive duties. Any safety-sensitive employee who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and has not been in the random selection pool during that time, must have a pre-employment drug test with a verified negative result prior to the employee's first performance of safety-sensitive duties.

No applicant with a prior positive testing history may be considered as a valid applicant unless and until that individual can document successful completion of a SAP-monitored referral, evaluation and education/treatment plan as described in Section 655.41 (a)(2) and Subpart O of 49 CFR Part 40.

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TARC requires that all non-safety-sensitive position applicants shall undergo urine drug testing prior to hire. Receipt by TARC of a verified negative drug test result is required prior to employment. **A verified positive pre-employment drug and/or alcohol test will disqualify an applicant for employment.**

Any safety-sensitive or non-safety-sensitive employee that has a confirmed positive pre-employment drug and/or alcohol test will be terminated.

Reasonable Suspicion Testing: All safety-sensitive and non-safety-sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance and/or safety. A supervisor trained in detecting the signs and symptoms of drug use and alcohol misuse will make the determination that reasonable suspicion exists based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. Circumstances which result in such testing include, but are not limited to, observed actions of unusual behavior suggesting alcohol or drug use, the presence of the odor of alcoholic beverages and/or drugs or possession of substances reasonably suspected to be drugs or to contain alcohol.

A reasonable suspicion drug test can be conducted anytime while on duty, including lunch or break periods during a continuous shift. A reasonable suspicion alcohol test can only be administered just before, during or just after the performance of safety-sensitive functions.

Non-safety-sensitive employees are subject to reasonable suspicion drug and alcohol testing solely under TARC policy.

Post-Accident Testing: Any safety-sensitive employee who has been involved in an FTA accident with a TARC Transit vehicle will promptly be administered a post-accident drug and alcohol test. Supervisors must prepare a "Post Accident Documentation Summary Form" for each accident and submit it to the DER or Human Resources Coordinator. "Accident" means any occurrence associated with the operation of a revenue service vehicle (whether or not in revenue service at the time), or a non-revenue service vehicle operated by a holder of a Commercial Driver's License (CDL), in which;

- 1.) An individual dies (fatality);
- 2.) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- 3.) Public transportation vehicle involved is a bus, van or automobile, one or more vehicles including non-FTA funded vehicles incur disabling damage as the results of the accident and the vehicle or vehicles are towed from the scene by a tow truck or other vehicle; and
- 4.) Public transportation vehicle involved is a trolley car or trolley bus, which is removed from operations.

In the case of a fatality, each surviving safety-sensitive employee operating the vehicle at the time of the accident must be tested as well as any other safety-sensitive employees not on the vehicle, whose performance could have contributed to the accident (based upon the best information available at that time).

An accident could be the result of a collision with another vehicle or pedestrian, or it could be associated with an incident that occurs on the vehicle without any contact with another vehicle.

In a non-fatal accident, all safety sensitive employees operating the vehicle at the time of the accident will be tested unless it is determined the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident will also be tested. The decision regarding being "completely discounted"

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will be made by the supervisor on the scene based upon the best information available at the time of the incident.

Following a covered accident, the safety-sensitive employee will be tested as soon as possible following the accident, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing. If the alcohol test is not administered within two (2) hours of the accident, the supervisor must document the reason on the "Post Accident Documentation Summary Form" stating the reason the test was not promptly administered. If an alcohol test was not administered within eight (8) hours following the accident, all attempts to administer the test must cease and the supervisor must document the "Post Accident Documentation Summary Form".

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who does not remain available for testing or leaves the scene of the accident without authorization from a TARC official prior to submission to drug and alcohol testing will be considered to have refused the test and the employee will be terminated.

Post-accident testing may be delayed while the employee receives any needed medical attention or assists in resolution of the accident. However, any employee under the above circumstance who fails to remain readily available for drug or alcohol testing (including notifying TARC of his/her location) or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused the test.

If TARC is unable to perform a FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the transit system may use drug and alcohol post-accident test results administered by State and local law enforcement officials (49 CFR Part 40). The State and local law enforcement officials must have independent authority for the test and TARC must obtain the results in conformance with State and local law.

Once an employee completes the required Post-Accident Drug and Alcohol testing, they shall not be assigned to operate any company vehicle or perform any safety-sensitive functions pending the outcome of the test.

Random Testing: The FTA regulation (49 CFR 655.45) requires random (unannounced) testing of drugs and alcohol for all safety-sensitive employees. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Based upon TARC's operations, random testing is conducted on all days and hours during which safety-sensitive functions are performed.

TARC will at a minimum meet annual random testing rates as established by FTA although TARC reserves the right to establish higher rates.

Employees are required to proceed immediately and directly to the collection site upon notification of their random selection. Under TARC policy, any employee who does not proceed immediately to the testing site when notified, or who fails to report to the testing site can result in disciplinary action up to and including discharge. All employees who fail to report for a drug test will be terminated.

A random drug test can be conducted anytime while on duty, including lunch or break periods during a continuous shift. A random alcohol test can only be administered just before, during or just after the performance of safety-sensitive functions.

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D. Retests and Observed Tests

Consistent with the requirements in 49 CFR 40.67, an immediate urine specimen collection under direct observation (by a person of the same gender) with no advance notice will be conducted if any of the following situations occur:

- Specimen is invalid;
- Original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed;
- The specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL
- Materials are observed being brought to the collection site
- Temperature on the original specimen was out of range;
- Original specimen appeared to have been tampered with

If a TARC employee receives a negative, dilute test result with a creatinine concentration greater than 5 mg/ml, and the MRO has not directed TARC to perform an observed collection, it is TARC's policy the employee will be directed to report for re-testing immediately by unobserved collection. If the second collection is also negative and dilute, unless directed by the MRO to perform another observed collection, the test result will stand, as negative, dilute and no additional testing will be required.

There are certain situations that may require the employee to provide, at the collection site, another urine or breath sample, i.e., when insufficient volume of urine or breath provides an inadequate sample.

Any safety-sensitive or non-safety sensitive employee who questions a positive, adulterated or substituted test result of a required drug test identified in this policy may request that the split sample be tested. This test must be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. If an employee requests split sample testing, the split sample test will occur regardless of up-front payment, but TARC reserves the right to seek reimbursement from the employee unless the result of the split sample testing invalidates the result of the original test. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to verifiable facts that were beyond the control of the employee.

E. Compliance with Request for Testing

Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately and terminated. The following circumstances constitute a test refusal by an applicant/employee:

- All employees are required to depart for drug/alcohol testing immediately upon notification. Any employee, who fails to report to the testing site within a reasonable time (except Pre-Employment), as determined by TARC, will be subject to disciplinary action up to and including termination. All employees who fail to report for a drug/alcohol test will be terminated;
- Fail to remain at the testing site until the testing process is complete;
- Fail to provide a urine and/or breath specimen for any DOT required drug and/or alcohol test.
- Fail to sign the certification at Step 2 of the Alcohol Test Form;

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- In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the employee's provision of a specimen;
- For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- Admit to the collector or MRO that you adulterated or substituted the specimen;
- Fail to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fail or decline to take a second test that TARC or the collector has directed the employee to take;
- Fail to undergo a medical examination or evaluation within five (5) days, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures.
- Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- An MRO verified adulterated or substituted drug test result.

III. Employee Assistance Program (EAP)

TARC encourages employees to seek treatment voluntarily and provides the Employee Assistance Program to aid in such treatment. The EAP program offers help for employees to improve or maintain job performance by solving personal problems. A component of that program is to help employees who have some type of personal problem related to addiction (drugs and alcohol). TARC's present EAP provider is:

[Stuecker and Associates Human Development Company](http://www.stueckerandassoc.com)
(502) 452-9227/589-4357 or 1 (800800) 799877-9327/8332
<http://www.stueckerandassoc.com> www.humandev.com

Alcoholism and drug dependency are treatable illnesses and can be successfully dealt with if identified in their early stages and referred to an appropriate source for treatment. Indications of alcohol misuse and/or drug abuse are included in Appendix C (Fact Sheets).

IV. Discipline

All employees are subject to the appropriate discipline as outlined in this policy.

V. Education and Training

It is the policy of TARC that training and education programs will be made available to all employees. All safety sensitive employees will undergo a minimum of one hour of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.

Supervisors will also receive in addition to the above training one-hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

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VI. Prescription and Over-the-Counter Medications

In the interest of protecting employees and the general public, safety-sensitive employees must make sure that any drugs, prescribed or Over-the-Counter or any combination of drugs being taken will not adversely impact their job performance. Employees have the responsibility to explain their job duties to their medical practitioner and ensure that the use of prescribed medication will not pose a safety risk to themselves, other employees, or the general public.

Ultimately, the employee may be the best judge of how a substance is impacting him/her. As such, the employee has the responsibility to refrain from using any medication that causes performance-altering side effects.

Employees, who experience medication side effects or do not feel fit for duty, must report the medication to their Supervisor and immediately refrain from performing hazardous activities, including all safety-sensitive functions.

The employee must consult their personal medical practitioner and submit a TARC Medication Approval Form ~~before returning to work anytime a new medication is prescribed which carries a warning label indicating that mental functioning, motor skills or judgement will or may be adversely affected.~~

If the employee's use of a prescription or over-the-counter drug endangers the employee, other employees or the public, or has contributed to an accident, the employee will be subject to discipline, including discharge, under TARC policy.

Part 2 – Highlights of Drug and Alcohol Testing Procedures

The U.S. Department of Transportation published drug-testing procedures initially in 1989. Those procedures were amended and alcohol-testing procedures established in rules published in February and August 1994. The complete set of procedures for transportation workplace drug and alcohol testing programs are referred to as 49CFR Part 40 unless otherwise indicated. The rules are extensive and not shown here in their entirety. However, the entities which perform drug specimen collection, laboratory testing, breath alcohol testing, medical review, and substance abuse professional services for TARC shall be required to follow all such guidelines correctly.

I. Drug Testing Procedures

The specimen collection site shall be staffed by collection technicians trained in proper procedures to ensure the dignity and accuracy of the collection and analysis process.

To ensure the greatest possible privacy and most accurate analysis, the collection procedure shall include the following safeguards:

- Upon arrival at the collection site, the employee shall be required to present positive identification. This consists of a photo ID issued by the employer or a Federal, state, or local government (e.g., driver's license).
- The employee shall check outer garments with collection site personnel for safekeeping.
- Employee must empty his or her pockets and display the items in them to ensure that no items are present which could be used to adulterate the specimen.
- A "chain of custody form (CCF)" shall be initiated and signed by the employee and collection technician, and this form will stay with the specimen. For this section, "specimen" shall mean the primary specimen and the split specimen.
- The employee shall wash and dry his/her hands in the presence of the collection technician.

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- Employee or collector will select an individually wrapped or sealed collection container from collection kit materials. The employee and collector must both be present, when unwrapping or breaking the seal of the collection container.
- The employee will provide his/her specimen in the privacy of a collection enclosure or stall.
- The employee must provide a specimen of at least 45 mL, with a 30 mL primary specimen and 15 mL split specimen or sample.
- Following collection, the employee will give the specimen to the collection technician, who shall seal and label the specimen as the employee observes. The sealing and identification process consists of several steps the employee and collection technician must complete together.
- The collection technician shall examine the specimen and take the temperature within 4 minutes of collection. Any unusual finding must be noted on the chain of custody form.
- The collection technician shall examine the specimen for signs of tampering (i.e. unusual color, presence of foreign objects or material, or other signs of tampering).
- The sealed and labeled specimen and the chain of custody form should be placed into a container appropriate for delivering the specimen to the laboratory for analysis.

Specimens will be shipped to a DHHS approved laboratory for analysis. Extensive procedural steps are outlined in the regulations, which the laboratory must follow to assure that each specimen is properly controlled and tested.

<u>Initial Test</u>	Minimum Thresholds	<u>Initial Test Cutoff Levels</u>
Marijuana Metabolites		50 ng/mL
Cocaine Metabolites		150 ng/mL
Opiates:		
Morphine		2,000 ng/mL
Codeine		2,000 ng/mL
6-acetylmorphine		10 ng/mL
Phencyclidine (PCP)		25 ng/mL
Amphetamines:		
Amphetamine		500 ng/mL
Methamphetamine		500 ng/mL
MDMA (Ecstasy)/MDA/MDEA		500 ng/mL

If a positive result is indicated from this initial analysis, a confirmatory analysis shall be performed. The confirmatory analysis must be performed by the use of gas chromatography/mass spectrometry (GC/MS) techniques. The test shall be considered positive where the confirmatory test cutoff levels shown below are met:

<u>Confirmatory Test</u>	Confirmatory Test Cutoff Levels
Marijuana Metabolites (1)	15 ng/mL
Cocaine Metabolites (2)	100 ng/mL
Opiates:	
Morphine	2,000 ng/mL
Codeine	2,000 ng/mL
6-acetylmorphine	10 ng/mL
Phencyclidine (PCP)	25 ng/mL
Amphetamines:	

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Amphetamine	250 ng/mL
Methamphetamine	250 ng/mL
MDMA (Ecstasy)/MDA/MDEA	250 ng/mL

- (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- (2) Benzoylcegonine
- (3) Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

In addition, TARC retains the right to test for any other drug whose illegal use has become prevalent and/or has been found to potentially impair performance or be addictive.

II. Alcohol Testing Procedures

Collection technicians trained in proper procedures to ensure the dignity and accuracy of the collection and analysis process shall staff the collection site.

To ensure the greatest possible privacy and most accurate analysis, the collection procedure shall include the following safeguards:

- Upon arrival at the collection site, the employee shall be required to present positive identification. This consists of a photo ID issued by the employer or a Federal, state, or local government (e.g., driver's license).
- An "alcohol testing form" (ATF) shall be initiated and signed by the employee and collection technician.
- Employee or collector will select an individually wrapped or sealed mouthpiece from the testing materials. The employee and collector must both be present, when unwrapping or breaking the seal of the mouthpiece.
- The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six (6) seconds or until the device indicates that an adequate amount of breath has been obtained.
- If test is less than .02 – test is complete.
- If test is .02 or greater a confirmation test will be conducted after a 15-minute waiting period.

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Appendix A

**Adopted 6/20/88
Revised April, 2003**

Joint Policy Statement on Alcohol/Drug Abuse

The Amalgamated Transit Union, Local 1447, AFL-CIO (Union) and the Transit Authority of River City (TARC) jointly recognize that alcoholism and drug abuse are problems that affect society, are illnesses, are treatable, and should be treated before they affect performance on the job. The Union and TARC also want to assure that the transit system is operated in as safe a manner as possible and that an employee who has a problem with alcohol or drug abuse seeks treatment for rehabilitation before job misconduct results. The main purposes of this policy statement are noted above; neither the Union nor TARC seeks to regulate the private lives of TARC employees through its adoption.

The Union and TARC take the commitment to its employees seriously. A primary objective of this statement is to help, not harm, the employee; and the statement is designed to rehabilitate, not terminate. Accordingly, an Employee Assistance Program (EAP) has been established which can provide access to professional services to aid any employee with an alcohol or substance abuse problem to seek assistance as early as possible and before such problem affects job fitness or performance. Participation in this program is voluntary, confidential, and the personal responsibility of the employee. No employee who seeks treatment for alcohol or substance abuse will be disciplined or denied opportunity for promotion for this reason. TARC will not accept alcohol or substance abuse problems as an excuse for poor job performance by employees who do not seek assistance or do not correct such problems after referral and assistance.

The Union and TARC want to cooperate and maintain the transportation system in a safe and efficient manner for its public and to provide a safe work environment for its employees. Furthermore, each TARC employee has an individual responsibility to the public to deliver services in a safe and conscientious manner. In order to achieve as safe a job performance as possible, TARC employees must be able to work in a drug-free environment and themselves be free from the effects of alcohol and other job impairing substances. Accordingly, the use, sale or possession by an employee of an intoxicating beverage, controlled substance drug not medically authorized, or any other substance, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees, is strictly prohibited.

The following conditions shall apply to all employees of TARC:

1. Employees, who suspect that they may have a problem with alcohol or substance abuse, even in its early stages, are encouraged to seek professional assistance and/or referral from the Employee Assistance Program, before such problem affects job fitness or performance.
2. TARC and the Union shall form a joint committee to review procedures adopted under this policy statement and to seek means to improve the approach to this issue.
3. Use, sale, or possession of alcoholic beverages, controlled substances, medically unauthorized drugs, or other substance resulting in impairment on duty or when reporting for duty on vehicles or property of TARC is strictly prohibited.
4. No employee shall report for duty or be on duty under the influence of prescription or over-the-counter drugs to the point of impairment or to the point that their safety or the safety of others is jeopardized.
5. By becoming a party to this policy statement, the Union in no way waives any of its rights or the rights of any employee under the collective bargaining agreement or any applicable law. By becoming a party to this policy statement, TARC in no way waives its rights and responsibilities to take appropriate disciplinary action in cases resulting from alcohol and drug abuse.

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Appendix B

Adopted 10/17/94, Revised 2003

**Policy Statement
Drug-Free Workplace Act**

TARC and its employees, as recipients of the benefits of federal grants, must comply with the requirements of the **Drug-Free Workplace Act of 1988**. This policy is to inform you as an employee of the responsibilities you and TARC have under this federal act.

1. All employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace.
2. All employees must notify TARC in writing within (5) calendar days of his or her conviction for a violation of a criminal drug statute occurring in the workplace. Such notice shall be sent or given to the Director of Transportation, Director of Maintenance, Director of Human Resources, or the Assistant Executive Director.
3. All employees who fail to properly report such a conviction will be subject to disciplinary action up to and including discharge.
4. All employees must abide by this policy as a condition of employment.
5. TARC shall be certain that each employee receives a copy of this policy.
6. TARC shall establish and maintain an ongoing drug-free awareness program to inform employees about:
 - a) The dangers of drug abuse in the workplace;
 - b) TARC's policy of maintaining a drug-free workplace;
 - c) The availability of an Employee Assistance Program;
 - d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
7. TARC shall notify the appropriate federal agency in writing within ten (10) calendar days after receiving notice of a conviction as outlined in paragraph 2 above.
8. TARC shall within thirty (30) calendar days after receiving notice of a conviction as outlined in paragraph 2 above, take appropriate disciplinary action up to and including discharge against the employee:
9. TARC shall continue to make a good faith effort to maintain a drug-free workplace

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Appendix C

Adopted 10/17/94; Revised 2003, 2008

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

- Dull mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) 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 problems 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.

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 conditions 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 is.

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Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored “mini-bennies.” It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphphetamine, Delcobese, Desotyn, Dexedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyper excitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High dose may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

Workplace Issues

Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest. Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

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Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tenser, the heart beats faster and stronger, and the body burns more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

The source of cocaine in the coca bush, grown almost exclusively in the mountainous region of northern South America. Cocaine Hydrochloride "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine. Cocaine Base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating. Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations and paranoia
- Hyper excitability and overreaction to stimulus
- Insomnia or excessive talkativeness
- Profuse sweating and dry mouth

Health Effects

Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur. Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks. Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days when using crack or within several months when snorting coke. Cocaine causes the strongest mental dependency of any known drug. Treatment success rates are lower than for other chemical dependencies. Cocaine overdose is one of the most common drug emergencies.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

**TRANSIT AUTHORITY OF RIVER CITY
DRUG AND ALCOHOL POLICY/PROGRAM**

Cannabis (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood-and perception-altering effects it produces.

The use of medical marijuana is prohibited for any safety-sensitive employee subject to drug testing.

Description

Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking “bongs” (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls. Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical “I don’t care” attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body’s immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes. Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users. Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone. Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life. In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine. Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant’s feet and hands. One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies. Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

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Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as “acute brain syndrome,” which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

Workplace Issues

The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance. A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978. Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

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Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

Varieties of opiates include natural and natural derivatives – opium, morphine, codeine, and heroin as well as synthetics such as meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan). Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used. Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation

Health Effects

IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles. Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity. Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

There are over 500,000 heroin users in the U.S., most of who are IV needle users. An even greater number of medical narcotic-dependent persons obtain their narcotics through prescriptions. Because of tolerance, there is an ever-increasing need for more narcotics to produce the same effect. Strong mental and physical dependency occurs. The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident. Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

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Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper “packets.” It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine. Trade/street names include Angel Dust, Dust, and Hog

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness

Health Effects

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. Other depressant drugs potentiate PCP, including alcohol, increasing the likelihood of an overdose reaction. Misdiagnosing the hallucinations as LSD induced; and then treating with Thorazine, can cause a fatal reaction. Use can cause irreversible memory loss, personality changes, and thought disorders. There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs. However, use in the workplace can expose the user and others to extreme safety hazards.

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Appendix D

Definitions

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

“Criminal Drug Statute” means a federal or non-federal criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance.

“Controlled Substance” means a controlled substance defined in Schedules I through V of the Controlled Substance Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR pursuant to a valid prescription or other use allowed by law is not unlawful.

“Drug-free Workplace” means a site for the performance of work done in connection with a specific grant at which employees of TARC are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance. Such definition shall include all TARC owned or controlled vehicles.

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Appendix E

Forms

- Release of Information for Previous Employer
- Federal Drug Testing Custody and Control Form
- Alcohol Testing Form
- Medication Approval Form

**TRANSIT AUTHORITY OF RIVER CITY
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Release of Information Form -- 49 CFR Part 40 Drug and Alcohol Testing



Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

I understand that a refusal to test or a positive result from a previous employer for drug or alcohol will eliminate me from further consideration

I-A.

New Employer Name: Transit Authority of River City (TARC)

Address: 1000 West Broadway
Louisville, KY 40203

Phone #: (502) 561-5141 Fax #: (502) 213-3202

Designated Employer Representative: Melissa Fuqua, Director of Human Resources

I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A. In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing ~

- | | |
|---|--|
| 1. Did the employee have alcohol tests with a result of 0.04 or higher? | YES <u> </u> NO <u> </u> |
| 2. Did the employee have verified positive drug tests? | YES <u> </u> NO <u> </u> |
| 3. Did the employee refuse to be tested? | YES <u> </u> NO <u> </u> |
| 4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? | YES <u> </u> NO <u> </u> |
| 5. Did a previous employer report a drug and alcohol rule violation to you? | YES <u> </u> NO <u> </u> |
| 6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? | N/A <u> </u> YES <u> </u> NO <u> </u> |

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

II-B.

Name of person providing information in Section II-A: _____

Title: _____ Phone #: _____

Date: _____

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**U.S. Department of Transportation (DOT)
Alcohol Testing Form**

(The instructions for completing this form are on the back of Copy 3)

STEP 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name _____
(Print) (First, M.I., Last)

B: SSN or Employee ID No. _____

C: Employer Name _____
 Street _____
 City, ST ZIP _____

DER Name and Telephone No. _____
DER Name () DER Phone Number

D: Reason for Test: Random Reasonable Susp Post-Accident Return to Duty Follow-up Pre-employment

*Affix
Or
Print
Screening Results
Here*

*Affix
With
Tamper Evident Tap*

STEP 2: TO BE COMPLETED BY EMPLOYEE

I certify that I am about to submit to alcohol testing required by US Department of Transportation regulations and that the identifying information provided on the form is true and correct.

_____/_____/_____
 Signature of Employee Date Month Day Year

*Affix
Or
Print
Confirmation Result
Here*

*Affix
With
Tamper Evident
Tape*

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN

(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete their own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the US Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: BAT STT DEVICE: SALIVA BREATH* 15-Minute Wait: Yes No

SCREENING TEST: *(For BREATH DEVICE* write in the space below only if the testing device is not designed to print.)*

Test #	Testing Device Name	Device Serial # OR Lot # & Exp Date	Activation Time	Reading Time	Result

CONFIRMATION TEST: Results MUST be affixed to each copy of this form or printed directly onto the form.

REMARKS:

Alcohol Technician's Company _____ Company Street Address _____
 (PRINT) Alcohol Technician's Name (First, M.I., Last) _____ Company City, State, Zip _____ Phone Number _____

_____/_____/_____
 Signature of Alcohol Technician Date Month Day Year

*Affix
Or
Print
Additional Results
Here*

*Affix
With
Tamper Evident
Tape*

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS 0.02 OR HIGHER

I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater.

_____/_____/_____
 Signature of Employee Date Month Day Year

COPY 1 – ORIGINAL – FORWARD TO THE EMPLOYER

TRANSIT AUTHORITY OF RIVER CITY
DRUG AND ALCOHOL POLICY/PROGRAM

Medical Approval Form



Employee completes this section:

Employee Name _____ Date _____

Employee ID# _____ Position _____

Department _____ Phone Number _____

The information provided in this Medication Approval Form is true and correct to the best of my knowledge. I understand and will comply with the prescribed use of these medications and their restrictions while working.

Signature _____ Date _____

Physician completes this section:

Please complete this form so that your patient can work in his/her Transit Authority of River City Safety-Sensitive job. By signing below, you are acknowledging that you are aware of this employee's job duty requirements and that the prescribed medication(s) currently being taken will not adversely impair performance or endanger the safety of this individual, coworker, TARC customer, or the public. Please indicate below what, if any, restrictions should be placed upon the time between when the medication is taken and the time the individual can safely perform his/her job duties.

Medication Employee is Currently Taking:

<u>Name of Drug</u>	<u>Date Prescribed</u>	<u>Date Approval Expires</u>	<u>Restrictions/Instructions</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Physician Signature _____ Date _____

Physician - Please print Name, Address and Phone Number Below:

