



City of Key West

Department of Transportation

## Safety Sensitive Substance Abuse Management Statement (SAMS)

(In accordance with 49 CFR, Part 655 and Part 40, as amended, FTA, USDOT and FDOT)

**Substance Abuse Management Statement**  
**City of Key West**  
**Department of Transportation Policy**  
(In accordance with Florida Department of Transportation and  
Federal Transit Administration regulations)

**Department Director / General Manager Statement**

The City of Key West Department of Transportation is dedicated to providing safe, dependable, and economical transportation services to its patrons. The City of Key West DoT employees are a valuable resource and it is also our goal to provide a safe, healthy and satisfying working environment for our employees. In meeting these goals, it is our policy to:

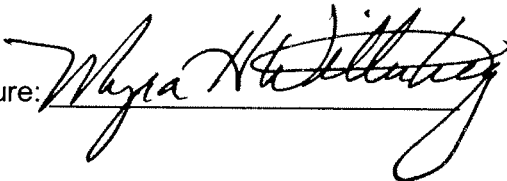
- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

This Substance Abuse Policy implements a drug and alcohol testing program for all safety-sensitive employees. Each employee shall be provided a signed copy of the adopted policy. Policy items implemented under the authority of City of Key West DoT are italicized throughout this policy. All other policy items are implemented under the authority of the US DOT and/or the Federal Transit Administration.

This policy is approved by the City of Key West City Commission / Mayor, on behalf of the Department of Transportation, and is effective on October 1, 2010.

Name: Myra H. Wittenberg

Title: Manager, Department of Transportation / City of Key West

Signature: 

Date: 10-01-10

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## 1. **Background**

Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse.

49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates urine drug testing and breath alcohol testing for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

In addition, the U.S. Department of Transportation (DOT) has issued 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" to provide uniform procedures and standards for conducting drug and alcohol testing programs. The drug and alcohol testing program of City of Key West DoT will be conducted in accordance with 49 CFR Parts 40 and 655, as amended. Employees may request copies of the applicable regulations by contacting City of Key West DoT's designated employer representative listed in Section 28 of this policy.

## 2. **Purpose**

This policy is established to comply with FTA drug and alcohol testing requirements to ensure employee fitness for duty, and to protect our employees, passengers, and the general public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with and incorporate 49 CFR Part 29, The Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA, including the reporting of employees convicted of criminal drug offenses that occur in the workplace.

## 3. **Covered Employees**

This policy applies to all safety-sensitive transit system employees as identified and described herein. Paid part-time employees and contractors, when performing safety-sensitive duties, are also covered by this policy when performing any City of Key West DoT related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Additionally, this policy applies to volunteers who perform safety sensitive duties who are required to hold a Commercial Driver's License, or who receive remuneration in excess of his or her actual expenses incurred while engaging in the volunteer activity. This written policy shall be distributed to all employees and applicable volunteers in safety-sensitive positions. Adherence to this policy and its provisions are a condition of employment in a safety sensitive position; per 49 CFR Part 655.

Safety-Sensitive Employees and Applicants for Safety-Sensitive Positions covered by this Policy include those who:

1. Operate a revenue service vehicle, including when not in revenue service
2. Operate a non-revenue service vehicle when such is required to be operated by a holder of a commercial driver's license
3. Control the movement/dispatch of a revenue service vehicle
4. Perform maintenance on a revenue service vehicle or equipment used in revenue service
5. Carry a firearm for security purposes
6. May perform any of the above safety sensitive functions in a supervisory or training role.

This policy is applicable to the following positions within City of Key West DoT

- Bus Drivers (Full-time, Part-time, Contract, Temporary – all positions)
- Fleet Maintenance (all positions)
- Supervisor, Asst. Supervisor, Superintendent and Coordinator (all)
- Dispatch, Accounting, Grants Management or Project Management positions (all)
- Training and Security positions (all)

#### **4. Prohibited Substances**

In accordance with US DOT 49 CFR Parts 655 and 40; the following are prohibited substances:

- Cocaine
- Opiates (e.g., heroin, codeine)
- Phencyclidine (PCP)
- Cannabinoids (Marijuana)
- Amphetamines (includes methamphetamine and MDMA-Ecstasy)
- Alcohol Misuse as defined in Section 9, below.

#### **5. Prescription and Over the Counter Medications**

The appropriate use of legally prescribed drugs and non-prescription medications are not prohibited. A legally prescribed drug means a prescription or other written approval from a physician for the use of a drug by an individual in the course of medical treatment. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, before performing safety sensitive duties.

The misuse or abuse of legally prescribed drugs is prohibited; this includes the use of medication that is prescribed to another individual as well as illegally obtained prescription drugs.

City of Key West DoT strongly encourages employees to inform their prescribing physician of the safety-sensitive job functions that they perform, in order to ensure that appropriate medications are prescribed.

#### **6. Employee Protections**

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee's privacy, the validity of the testing process and the confidentiality of the test results.

All urine drug testing and breath alcohol testing will be conducted in accordance with applicable with 49 CFR Part 40, as amended. All urine specimen collections, analysis and reporting of results shall to be in accordance with 49 CFR Part 40, as amended.

Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS).

Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. Confirmatory tests for alcohol

concentration will be conducted utilizing a NHTSA approved EBT.

1. Except as required by law or expressly authorized in this section, City of Key West DoT shall not release employee information that is contained in records maintained per 49 CFR section 655.73.
2. An employee may, upon written request, obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. City of Key West DoT shall release information regarding an employee's records as directed, by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.
4. Records pertaining to a Substance Abuse Professional's evaluation, treatment and follow up testing results shall be made available to a subsequent DOT employer upon receipt of written consent from an employee.

**7. Employee Responsibility to Notify City of Key West DoT of Criminal Drug Conviction**

It is a violation of this policy for any employee to fail to immediately notify City of Key West DoT of any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution. Violating employee shall be immediately removed from safety sensitive duties.

**8. Employee Training**

Safety-sensitive employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

Supervisors who make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral and performance indicators of probable drug use and 60 minutes on the physical, behavioral and performance indicators of probable alcohol use.

**9. Pre-employment Drug and Alcohol Background Checks**

In compliance with 49 CFR Part 40.25, City of Key West DoT must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years for all applicants seeking safety-sensitive positions and all current employees transferring into a safety-sensitive position. City of Key West DoT will require each applicant/transferee to a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers to City of Key West DoT. An applicant/transferee who refuses to provide written consent will not be permitted to perform safety-sensitive functions for City of Key West DoT.

All safety-sensitive applicants who have previously failed a DOT pre-employment test must provide proof that they have completed a Substance Abuse Professional's evaluation, treatment and return to duty process in addition to a pre-employment drug test with negative results, prior to their employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet the requirements of 49 CFR Part 40 Subpart O.

## **10. Pre-Employment Testing**

All safety-sensitive position applicants shall undergo a urine drug test prior to placement in a safety sensitive position. City of Key West DoT must be in receipt of a negative urine drug test result prior to the applicant's performance of any safety sensitive function. A cancelled test result will require an applicant to undergo a subsequent pre-employment urine drug test, until a negative test result can be obtained.

If an applicant's pre-employment urine drug test result is verified as **positive**, the applicant is not permitted to be placed into a safety sensitive position, unless and until, applicant has completed the return to duty process as outlined in section 14.

An employee returning from an extended leave period of 90 consecutive days or more, and whose name was removed from the random testing selection pool, will be subject to a pre-employment urine drug test. City of Key West Dot must be in receipt of a negative drug test result prior to the employee being reinstated to safety sensitive duty.

## **11. Random Testing**

Employees in safety-sensitive positions shall be subject to random, unannounced testing. The minimum annual percentage rate for random alcohol testing shall be 10% of the average number of safety-sensitive employees. The minimum annual percentage rate for random controlled substances testing shall be 25% of the average number of safety-sensitive employees.

The administering of random testing shall be spread reasonably throughout the calendar year and throughout all times of day when safety-sensitive functions are performed. Each covered employee who is notified of selection for random alcohol or drug testing shall immediately proceed to the testing site.

Random alcohol testing shall be conducted while an employee is performing a safety-sensitive function or just before the employee is to perform a safety-sensitive function or just after the employee has performed a safety-sensitive function.

Random urine drug testing may be conducted anytime while an employee is on duty or on call to perform safety sensitive functions.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method. The selection process shall provide each covered employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the covered employees shall derive the list.

## **12. Reasonable Suspicion Testing**

All safety-sensitive employees are subject to reasonable suspicion urine drug testing and/or breath alcohol testing. Only supervisors that have been trained to identify the probable signs and symptoms of prohibited substance use and the probable signs and symptoms of alcohol misuse may make the determination to test an employee.

## **13. Post-Accident Testing**

### **Fatal Accident**

A safety-sensitive employee shall be required to undergo urine drug and breath alcohol testing if involved in an accident that results in a fatality (regardless of whether the vehicle is in revenue service). Any other employee(s), i.e., maintenance personnel, dispatchers, controllers, whose performance could have contributed to the accident, shall also be tested. As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and breathe alcohol testing.

**Non-Fatal Accident:** post-accident drug and alcohol testing shall be conducted if an accident results in injuries requiring immediate medical treatment away from the scene, *OR* if one or more vehicles incurs disabling damage that requires towing from a site; unless City of Key West DoT determines, using the best information available at the time of the decision, that 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 shall be tested. The decision regarding whether the employee's performance could have contributed to the accident will be made in the sole discretion of City of Key West DoT using the best information available at the time of the decision.

Following an accident, the employee must be "readily available" for testing. Post accident tests will be done as soon as possible, all reasonable efforts shall be made to test the safety sensitive employee(s) within (2) two hours of the accident, but not after eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required time period following the accident, City of Key West DoT shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered and efforts to conduct testing shall cease.

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing, shall be considered to have refused the test.

The post-accident testing requirements shall not delay necessary medical attention for injured persons, nor will they prohibit an employee who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the rare event that an employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond City of Key West DoT's control, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by City of Key West DoT. (Per 49 CFR Part 655.44)

## **14. Return to Duty Testing**

Following a verified positive drug test result, an alcohol result of 0.04 or greater, or a refusal to submit to a DOT required drug or alcohol test; an employee is not permitted to "return to duty" to perform a safety-sensitive function until the following actions have been taken:

1. Employee has been evaluated by a Substance Abuse Professional who is qualified in accordance with 49 CFR Part 40 Subpart O.



2. Employee has adhered to the course of treatment as prescribed by the Substance Abuse Professional.
3. Employee has submitted to a return to duty urine drug test and/or breath alcohol test and City of Key West DoT is in receipt of a negative result(s).
4. All Return to Duty urine collections will be conducted under direct observation, in accordance with 49 CFR Part 40.67, as amended. See section 17 for a description of direct observation collection procedures.

**15. Follow up Testing**

Upon completing the return to duty process, employees will be subject to unannounced follow-up testing for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be prescribed by the Substance Abuse Professional. All Follow Up urine drug collections will be conducted as directly observed collections in accordance with 49 CFR Part 40.67, as amended. See section 17 for a description of direct observation collection procedures.

**16. Refusal to Submit to Urine Drug Testing**

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as described in sections 13-18. An employee who fails to cooperate with the testing process or attempts to thwart the testing process will be considered to have "refused testing". That employee will face the same consequences as if he or she produced a verified positive urine drug test result.

The following actions constitute a "refusal to test" in accordance with 49 CFR Part 40, as amended:

- (1) Fail to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT City of Key West DoT regulations, after being directed to do so by the employer. (pre-employment testing is not applicable)
- (2) Fail to remain at the testing site until the testing process is complete
- (3) Fail to provide a urine specimen for any drug test required by this part or City of Key West DoT regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Fail or decline to take an additional drug test the employer or collector has directed you to take
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by City of Key West DoT.
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- (9) 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.
- (10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admit to the collector or MRO that you adulterated or substituted the specimen.

Refusals to test will result in employee's immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O.

#### 17. **Observed Urine Drug Collections**

Observed collections are required in the following circumstances:

- All return-to-duty tests;
- All follow-up tests;
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer must witness the employee's urine leave the body and enter the collection cup.

#### 18. **Specimen Validity Testing**

All specimens will be analyzed in accordance with the procedures set forth in 49 CFR Part 40, as amended. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### 19. **Dilute Test Results**

Upon receipt of **negative-dilute** pre-employment and random drug test results, City of Key West DoT will exercise the right to require that applicants/employees submit to a secondary urine collection as provided in 49 CFR Part 40.197. The result of the second urine drug test will be accepted as the final result. City of Key West DoT will exercise this right uniformly for all pre-employment and random tests that produce a negative-dilute test result.

City of Key West DoT will exercise this option uniformly for all pre-employment and random tests that produce a negative-dilute test result with creatinine levels greater than 5mg/dl but less than 20mg/dl.

Upon receipt of a **positive-dilute** urine drug test result, City of Key West DoT will immediately remove the employee from safety sensitive duty and provide the employee with a referral to a

DOT qualified Substance Abuse Professional. A positive dilute result is always deemed as a final positive result.

**20. Medical Review Officer's Role and Responsibilities**

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders. City of Key West DoT shall use the following MRO:

|                      |   |
|----------------------|---|
| <b>Name of MRO:</b>  | <b>DR. Natalie Hartenbaum, FirstLab</b>   |
| <b>Address:</b>      | <b>Highpoint Business Campus<br/>100 Highpoint Drive, Suite 102, Chalfont, PA 18914</b> |
| <b>Phone Number:</b> | <b>888-676-7616 / (215) 396-5495 Secure Fax</b>   |

The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations.

Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

**21. Verified Positive Results**

MRO verified positive urine drug tests will result in immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O, will be provided to employee. An employee must complete the evaluation and treatment prescribed by the Substance Abuse Professional, submit to a return-to-duty test with negative results and adhere to the follow up testing schedule as prescribed by the Substance Abuse Professional in order to be reinstated to safety sensitive duties.

**22. Cancelled/Invalid Test Results**

A drug test that has been declared cancelled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory is reported by the MRO as a cancelled test. When a negative urine drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use

exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test. For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be cancelled and therefore considered neither positive nor negative.

**23. Split Specimen Testing**

Split specimen collection procedures will be followed in obtaining specimens. An employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split specimen be tested at a different DHHS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled "Canceled". The procedures for canceled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive. If the laboratory's test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a recollection under direct observation is required. Direct observation collection procedures will be in accordance with 49 CFR Part 40 as amended.

Split Specimen Testing is not authorized for test results reported by the MRO as "Invalid".

**Payment of Split Specimen Testing:**

When an employee has made a request to the MRO for a test of the split specimen, City of Key West DoT is required to ensure that the cost for the split specimen testing is covered, in order for a timely analysis of the sample. City of Key West DoT will seek reimbursement from the employee for the cost of the completed test, if the results reconfirm the original positive finding.

**24. Alcohol**

For the purposes of this policy, alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. 49 CFR Part 655 authorizes alcohol testing and requires KWDOT to take action on the findings, regardless of whether it was ingested as a beverage alcohol or in a medicinal or other preparation.

**25. Alcohol Use and Breath Alcohol Testing**

No safety-sensitive employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that an employee may be under the influence of alcohol while performing safety sensitive functions, the employee shall not be permitted to perform or continue to perform safety-sensitive functions, pending a reasonable suspicion interview, conducted per Section 12. No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, within (4) four hours prior to performing a safety sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

A Breath Alcohol Technician (BAT) qualified to conduct DOT breath alcohol testing shall conduct all DOT required alcohol screening tests.

In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s).

The results of breath alcohol testing will be transmitted by the breath alcohol technician to City of Key West DoT in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

The City of Key West DoT affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Handling of tests and confidentiality shall be in conformance with 49 CFR Part 40, and as described below:

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for (8) eight hours unless a retest results in a concentration measure of less an 0.02.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. An employee testing positive for alcohol will be immediately removed from safety sensitive duty and will be provided with a referral to a DOT qualified Substance Abuse Professional, in accordance with 49 CFR Part 40, as amended.

## **26. Refusal to Submit to Alcohol Testing**

The following actions constitute a refusal to submit to Alcohol Testing:

- (1) Fail to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT City of Key West DoT regulations, after being directed to do so by the employer.
- (2) Fail to remain at the testing site until the testing process is complete
- (3) Fail to provide an adequate amount of saliva or breathe for any alcohol test required by this part or City of Key West DoT regulations
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (5) Fail to undergo a medical examination or evaluation, as directed by the City of Key West DoT
- (6) Fail to sign the certification at Step 2 of the ATF
- (7) Fail to cooperate with any part of the testing process.

Employees violating this policy will be immediately removed from safety sensitive duties and provided a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O.

## **27. Records Management / Test Detail by Type - S A M S**

FTA and FDOT require specific file maintenance and oversight as to steps to follow and forms to be used with regard to all S A M S mandates. To that end, the City of Key West DoT will adhere to the following for Safety Sensitive positions at KWDoT:

- Records of Drug and Alcohol program are kept in a secure, locked file cabinet or in a restricted access, secure and locked office at KWDoT.

- Records will be retained primarily by the designated Drug and Alcohol Program Manager (DAPM) as well as having access allowed for the secondary / alternate representative and the Department Manager / Director.
- Drug and Alcohol, as well as other medical, records will be kept filed separate from other personnel information or documents.

**Pre-Employment Testing** - will apply to all new applicants who will be hired to perform a Safety Sensitive job function. See list above in Section 3. Results must be negative prior to the first date of any paid work hours, to will include training time.

**Release** - persons being hired to perform a Safety Sensitive job duty will be required to sign a release of information form to previous employers where they held a Safety Sensitive job - to facilitate shared information on drug and alcohol program requirements as well as any results from that employment history.

**Random** - all safety sensitive positions of public transit will participate in the Random Drug & Alcohol testing program, at all times. Should someone be on an extended sick or annual leave - due to reasons beyond our control - the random test must be substituted by another employee - this shall be communicated between the City of KWDOT DAPM and the Contract agent.

Random test lists are generated on a quarterly period and transmitted via secure email to the DAPM / to KWDOT. First Lab will call prior to fax or email being sent out to the Program Manager - and only the Program Manager or Alternate(s) may access this information and list. Should the Program Manager be selected for a random test, he/she shall pass off that list to the alternate individual at that time and proceed to the test / collection site - without delay. At that point, the alternate becomes the DAPM alternate representative - until said time as the primary DAPM results are received and are negatively confirmed.

Based on the work schedule for the quarter period - the DAPM will schedule and prepare notification form for all employees who have been selected to submit to a random Drug or Alcohol test that quarter period. Any issues encountered during this process must be communicated to the Department Manager or Director immediately. The Employee must arrive at the site within the time allowed and noted on the notification form - and the Chain of Custody form is mailed back to KWDOT - Attention Ben Gibson, DAPM, within 2 business days or is picked up in person by the DAPM during that time at the collection site. Results are emailed via secured email to the DAPM by First Lab within a 3 to 5 work day period.

**Post Accident** - tests are performed when required after accidents that warrant testing in accordance with the Post Accident Decision and Determination Documentation Form provided by FTA and FDOT. The DAPM or Alternate designee MUST drive the employee to the test site.

**Return to Duty / Follow Up** - tests will be handled in accordance with FTA requirements which will be done on a case by case basis - the situation may require individual counseling and interaction with the HR department / City of Key West assistance. Please refer to Sections 14 and 15 above.

## 28. S A M S Contacts

### **Drug and Alcohol Program Manager (DAPM) / KWDoT Designated Representative**

- Primary:** Ben Gibson, Superintendent / KWDoT  
PO Box 1078 / 627 Palm Avenue  
Key West, FL 33040  
Phone: (305) 809-3915  
Fax: (305) 292-8285
- Secondary:** Carolyn Haia, Projects & Grants Manager  
PO Box 1078 / 627 Palm Avenue  
Key West, FL 33040  
Phone: (305) 809-3913  
Fax: (305) 292-8285
- Alternate:** Myra Wittenberg, Department Manager  
PO Box 1078 / 627 Palm Avenue  
Key West, FL 33040  
Phone: (305) 809-3910  
Fax: (305) 292-8285

### **Substance Abuse Professional**

- Primary:** Tim Kelly, MSW, LCSW, SAP  
The Counseling Place in Marathon  
203 Town Square Mall  
11400 Overseas Hwy.  
Marathon, Fl. 33050  
305-289-2008 or  
305-294-1277

### **National Hot-Line Numbers and Help Lines:**

1-800-COCAINE

The American Council on Alcoholism Help Line  
1-800-527-5344

The National Institute on Drug Abuse Hot Line  
1-800-662 HELP

Alcoholics Anonymous 212-686-1100

Employee Acknowledgement of Receipt  
City of Key West DoT's Substance Abuse Policy and Management Statement  
Revised October 2010 and Approved via City Commission  
Resolution No. \_\_\_\_\_ dated this \_\_\_\_ day of \_\_\_\_\_ 11.

I have received a legible copy of City of Key West DoT's Substance Abuse Policy. I understand that my employment with City of Key West DoT is conditioned upon full adherence to this policy.

Employee Name: \_\_\_\_\_

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

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

Supervisor Name: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

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