5310 ONLY TRANSPORTATION OPERATING PROCEDURE TEMPLATE

<This Page Intentionally Left Blank>

Transportation Operating Procedure Template (5310 only)

Management Commitment

(Agency Name) is committed to providing safe, secure, clean, reliable, and efficient transportation services to its clients. This policy statement serves to express management's commitment to and involvement in providing and maintaining a safe and secure transportation services.

In the interest of safety and security, and in order to comply with the statutory requirements (Agency Name) has developed and adopted this Transportation Operating Procedures (TOP) that complies with established safety standards set forth in the State Management Plan. The TOP is intended to document all policies, functions, responsibilities, etc. of the agency necessary to achieve a high degree of system safety and applies to all areas of the transportation services provided, including drivers' selection, emergency procedures, operations, maintenance, etc.

(Agency Name) management is responsible for maintaining a coordinated safety system in order to identify and prevent unsafe acts and conditions that present a potential danger or threat to public safety. Management has responsibility for maintaining and implementing the TOP and complying with the policies, procedures, and standards included in this document. All departments, personnel, and contract service operators, if any, are charged with the responsibility of adhering to this TOP. Any violation of safety and security practices is subject to appropriate administrative action. Management is ultimately responsible for enforcing the TOP and maintaining a safe and secure system.

Signature

Printed Name

Executive Director / Signatory Authority
(Insert Agency Name)
Date: Month/Day/Year

Section 1. Compliance, Periodic Reviews and Updates

1.1 TOP Compliance

As an FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities grant recipient, (insert agency name) agrees to comply with the rules and guidelines described in this document.

1.2 Reviews and Updates

Describe the agency's unique process for periodic reviews and updates to this document.

Section 2. Vehicle Maintenance

2.1 Vehicle Inventory

The following table describes the vehicle fleet inventory maintained by (insert agency name):

Unit ID	VIN	Year	Make/Model	W/C Lift	Total Vehicle Mileage	Annual Vehicle Mileage

2.2 Preventative Maintenance

(insert agency name) maintains the vehicles by performing the following regularly scheduled preventative maintenance inspections.

2.2a Pre-Trip/Post-Trip Inspections

(insert agency name) conducts daily pre-operational and post-operational inspections of vehicles to ensure maximum passenger safety conditions. Pre-trip/post-trip inspections are performed by (drivers, staff, etc.) and documented on checklist forms that indicate the date, mileage and condition of vehicle components at the time of the inspection (attach checklist forms).

2.2b Defects and Repairs

Describe the agency's unique policies and practices for ensuring safety related defects are communicated to agency staff to initiate necessary repairs. Provide the agency's process for ensuring all safety related defects found during these inspections are repaired in a timely manner, and describe how the agency documents the defects/corresponding repairs in the vehicle history files.

The following is an example and should only be used as a guide for inserting the agency's unique policies:

Completed pre-trip inspection forms are submitted to the Transportation Manager and reviewed before the vehicle begins service. If a safety related defect is found during the pre-trip inspection, the vehicle is repaired before it returns to being used for service. Repairs stemming from defects

identified during pre-trip/post-trip inspections are documented along with the inspection form with the identified defect(s). This information is stored in the vehicle's history file for the life of the vehicle.

2.3 Routine Scheduled Maintenance

(insert agency name) conducts routine scheduled preventative maintenance (PM) inspections for each vehicle in the fleet inventory to ensure vehicle safety and longevity.

2.3a Intervals, Sequences, and Tracking

Describe all of the target intervals and sequences used to conduct the following inspections/services:

- PM inspections
- Oil/filters (if different from PM inspection interval)
- Original Equipment Manufacturer (OEM)-required maintenance services (such as transmission service, engine tune up, etc.)
- ADA components such as wheelchair lifts, ramps, and related accessories (if different than PM inspection interval)

Describe the agency's method for tracking upcoming PM inspections, oil changes, and other OEM services to ensure they are scheduled on time.

2.3b Outsourcing

List the contact information for each outsource maintenance provider that conducts routine PM inspections and services and attach any service agreements implemented between the agency and their outsource provider that establishes standards for the outsource provider to follow when conducting PM inspections.

2.3c Defects and Repairs

Describe the agency's procedures for ensuring all safety related defects identified during the PM inspection are repaired before the vehicle is returned to service. Describe how the agency prioritizes non-safety related defects for repair.

2.3d Warranties

Describe the agency's process for ensuring warranty repairs are made when applicable, and how the agency tracks and monitors warranty status.

2.3e Vehicle Cleaning

Describe the agency's procedures as they relate to vehicle exterior and interior cleaning, and how often the agency cleans the vehicles.

The following is an example using FDOT minimum standards and should only be used as a guide for inserting the agency's own unique policies:

Vehicles receive scheduled preventative maintenance inspections and oil changes every 6,000 miles using a progressive A,B,A,C sequence. Vehicle mileages are tracked using an Excel spreadsheet to schedule upcoming preventative maintenance inspections and related OEM services.

The following outsource maintenance providers conduct the preventative maintenance inspections and related OEM services:

Name:

Address:

Phone number:

(insert agency name) has developed a service agreement with (insert outsource maintenance provider) to conduct PM inspections. The agreement ensures these inspections meet FDOT's maintenance standards. See attached.

When a vehicle is due for a PM inspection, it is taken out of service until the inspection and all necessary repairs are completed. If safety related defects were identified during the inspection, the vehicle is removed from service until the appropriate repairs are made. Any vehicle defects identified during inspections are checked against the vehicle's warranty status to determine if the repair should be covered by the manufacturer. An inspection checklist is used to document the vehicle's condition at the time of the inspection that meets FDOT standards. The PM inspection forms and corresponding repair documentation are filed in the vehicle's history file for the life of the vehicle.

The vehicle's exterior is washed weekly by agency staff. The vehicle's interior is cleaned daily by the drivers and more thoroughly during the weekly exterior cleaning.

2.4 Vehicle History Files

Vehicle history files are maintained for each vehicle for the life of that vehicle. Each file includes the following:

- Identification of the vehicle, including make, model, license number or other means of positive identification and ownership;
- Date, mileage and description of each inspection, maintenance, repair or lubrication performed;
- The name and address of any business firm performing an inspection, maintenance, repair or lubrication;
- List additional documents that appear in vehicle history files, if applicable

2.5 Lift Maintenance

As part of the preventative maintenance on wheelchair lifts, a complete cycle of the lift is performed during the operators' pre-trip inspection. The operators report, by the most immediate means available, any lift failures.

The lifts are serviced on preventative maintenance inspections according to the manufacturer's specifications. Instructions for normal and emergency operation of the lift or ramp are carried or displayed in every accessible vehicle.

2.6 Information Management

Maintenance activities are regularly monitored and analyzed by the (Transportation Manager or other staff). This information is used to adjust the preventative maintenance program as needed. (If agency uses computerized maintenance software program or PrMPT online maintenance database, describe the program's capabilities and how they are used to monitor the maintenance program. This section should include a description of how often the agency monitors the records and by whom).

2.7 Warranty

A warranty recovery system, or warranty records of claims submitted and received, are maintained by (insert agency name). All warranty paperwork is filed (insert file location).

Warranty repairs are identified by maintaining a list of items from the manufacturer that are under warranty and when the warranty expires. When a component fails it is checked against the list for time and/or mileage to determine if it is still under warranty. Documentation of warranty repairs, claims, and a recovery program are kept on file to guarantee the cost of the defects under warranty is paid by the equipment manufacturer and not the agency.

Section 3. Transit Operations

3.1 Driver Qualifications and Training

(insert agency name) requires the following qualifications when hiring drivers to operate transit vehicles:

3.1a Licenses

- Applicant must have a valid driver license.
- A CDL with passenger endorsement is required for operators that drive a vehicle with a gross vehicle weight ratio of 26,001 pounds or over or any vehicle designed to accommodate 16 or more passengers including the driver.

(insert agency name) will ensure that all drivers continue to maintain a valid driver license while operating vehicles, and maintain a copy of each driver's license on file. (insert agency name) shall not permit a driver to operate transit vehicle when such driver's license has been suspended, cancelled, or revoked. (insert agency name) shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled, or revoked to notify his or her employer of the contents of the notice immediately, no later than the end of the business day following the day he or she received the notice. (Describe how this is verified)

3.1b Additional Qualifications

Describe the processes for:

- How the agency requires drivers to obtain a medical certification
- How the agency conducts background checks (Level I or Level II)

3.1c Training

(Insert agency name) provides training to ensure the driver has adequate skills and capabilities to safely operate each type of vehicle being operated. This training includes:

- Bus equipment familiarization
- Basic operations and maneuvering
- Boarding and alighting passengers
- Operation of wheelchair lifts and other special equipment
- Passenger assistance and securement
- Defensive driving
- Distracted driving
- Vehicle and equipment inspections

(Describe how training is obtained and how often drivers receive refresher training)

Section 4. Safety

4.1 Fitness for Duty

Drivers are not permitted to operate a vehicle when his or her ability is impaired, or likely to be impaired by fatigue, illness, or other causes. (Describe how agency ensures or monitors this policy)

4.2 Compliance

Vehicles shall be operated in compliance with applicable traffic regulations, ordinances, and the laws of jurisdiction in which they are being operated. (Describe how agency ensures or monitors this policy)

4.3 Emergency Situations

Describe how drivers are trained to respond to various emergency situations away from the property. This should also include agency policies and procedures regarding emergencies involving vehicles.

4. 4 Personal Wireless Communication Policy

Drivers are prohibited from using a personal wireless communication device while the transit vehicle is in motion. The driver must turn off all personal wireless communications devices and remove any earpieces while occupying the driver's seat.

Describe the agency's policy on the use of a wireless communications device issued to the driver by the transit system and state that its use will not interfere with the driver's safety related duties. Describe how the driver receives training that addresses hazards associated with the use of a wireless communications device.

4.5 Event Investigations

(insert agency name) investigates accidents involving agency vehicles that result in:

- a. Fatalities, where an individual is confirmed dead within 30 days of an agency related event, excluding suicides and deaths from illnesses
- b. Injuries requiring immediate medical attention away from the scene for two or more individuals,
- c. Property damage equal to or exceeding \$1,000.

When these events occur, (insert agency name) completes reports describing the event and documents corrective action plans when necessary. This information is submitted to FDOT along with additional requested documentation.

4.6 Accident Tracking

All accidents are tracked by the frequency, type, and which party was at fault through reports that are completed within 12 hours of the time of the accident. In the event that there are no accidents for a (time period- month, quarter, or year), (insert agency name) shall maintain documentation.

4.7 Accident Investigation Procedures

Describe accident investigation procedures that include which staff report to the scene of the accident if applicable, who records the accident, and who investigates the accident.

4.8 Accident Investigation Reports

Accident Investigation Reports are completed with the following information:

- Events are investigated and documented in a final report
- Description of investigation activities
- Identified causal factors
- Corrective actions
- Schedule of implementation of corrective actions

4.9 Accident Notification

(Insert agency name) shall notify their FDOT district office within 24 hours of any accident involving an agency vehicle.

Section 5. Substance Abuse Management

USE THIS TEMPLATE IF YOUR AGENCY DOES NOT OPERATE ANY VEHICLES THAT REQUIRE DRIVERS TO POSSESS A CDL

(SEE PAGE 14 IF YOUR DRIVERS MUST OBTAIN A CDL)

5.1 Substance Abuse Management Policy

[Agency Name] is dedicated to providing safe and dependable transportation service. [Agency Name] employees and volunteers are a valuable resource and it is our goal to provide a safe, healthy and satisfying working environment, free of the potential dangers posed by the use of controlled substances or the misuse of alcohol in the workplace.

This policy is established to comply with the Florida Department of Transportation's "Transportation Operating Procedures" (TOP) for sub-recipients of Section 5310 funding.

This policy applies to all [Agency Name] employees and volunteers who operate vehicles which do not require a commercial driver's license to operate.

This policy is approved by:	
Title of approving official:	
Signature of approving official:	
Policy effective date:	

5.2 Policy Applicability & Adherence

The Florida Department of Transportation (FDOT) recognizes the importance of ensuring that *all* transportation providers throughout our state are operating safe and reliable service.

To that end, FDOT has established the requirement for [Agency Name] to adopt and disseminate a substance abuse management policy applicable to employees and volunteers who are not otherwise covered by a federally-mandated drug and alcohol testing program (i.e., employees and volunteers who drive vehicles which <u>do not</u> require the operator to hold a commercial driver's license).

Adherence to this policy is a condition of employment and volunteer status with [Agency Name]. All employees and volunteers must act in good faith to fulfill the provisions of this policy and to alert [Agency Name] of any and all concerns related to the use, manufacture, sale or possession of controlled substances or the misuse of alcohol within the workplace.

5.3 Effects & Consequences of Substance Abuse

The use of controlled substances, the abuse of prescription medication and the misuse of alcohol can dramatically diminish an individual's cognitive functions, reaction time, alertness and many other skills necessary to perform their job functions safely.

Statistics gathered by the National Council on Alcoholism and Drug Dependence reveal that injury-related accidents are 2.7 times more likely to involve employees with a substance abuse issue and 70% of the estimated 14.8 million Americans using illegal drugs are employed. Rates of absenteeism and tardiness are greater among substance abusers and those with an alcohol dependence, according to the US Bureau of Labor Statistics.

Additional information on the effects and consequences of drug use can obtained from the National Institute on Drug Abuse website: https://www.drugabuse.gov

Additional information on the effects and consequences of alcohol misuse can be obtained from the National Institute on Alcohol Abuse and Alcoholism website: https://www.niaaa.nih.gov

5.4 Controlled Substances Prohibition

Employees of [Agency Name] are prohibited from possessing, selling, manufacturing and consuming any controlled substance as defined by the United States Controlled Substances Act. Employees are also prohibited from possessing or consuming a controlled substance that has not been lawfully prescribed to the employee himself/herself. A lawfully prescribed medication must meet the definition of a "prescription" under the Controlled Substances Act and must only be consumed as directed by the prescribing physician. Employees are required to evaluate their own fitness for duty and must never report for duty or remain on duty when impaired by any substance.

5.5 Alcohol Misuse Prohibition

Employees and volunteers of [Agency Name] are prohibited from consuming alcohol within four (4) hours of reporting for duty, while on duty and while on call for duty. Alcohol consumption is also prohibited while on [Agency Name] property, while conducting [Agency Name] official

business and when representing [Agency Name] at a public event. The alcohol prohibition includes the consumption of alcohol in <u>any form</u>: ethyl, isopropyl, butyl and methyl alcohol as well as medication or foods that contain alcohol. Employees and volunteers must never report for duty or remain on duty while impaired by any intoxicating agent or substance.

5.6 Self-Reporting

Employees and volunteers are encouraged to seek assistance should they experience any issue with controlled substance use, prescription drug abuse and/or alcohol misuse. To ensure that employees have an opportunity to seek assistance rather than conceal addiction issues, [Agency Name] has designated an employer representative to serve as a confidential contact for employees who wish to self-report their use of a controlled substance, abuse of prescribed medication and/or an alcohol dependence. The named contact below will assist the employee or volunteer in locating local resources for the treatment of substance abuse or addiction issues:

Name: Insert the name of your agency's representative here

Phone: Insert the phone number of your agency's representative here

Email: Insert the email address of your agency's representative here

All costs associated with professional or medical evaluation, treatment, rehabilitation and after-care needs will be the sole responsibility of the employee or volunteer.

[Agency Name] reserves the right to remove an employee or volunteer from any or all job duties following the self-reporting of controlled substance use or alcohol misuse.

5.7 National Behavioral Health Treatment Services

The Substance Abuse and Mental Health Services Administration offers the following two ways to confidentially locate Behavioral Health Treatment Services

• Website: https://findtreatment.samhsa.gov

Telephone: 1-800-662-4357 (HELP)

5.8 Policy Violation Consequences

All employees and volunteers of [Agency Name] have a responsibility to maintain a safe work environment for fellow employees and our patrons. Employees and volunteers who fail to observe this policy in its entirety will be subject to disciplinary action up to and including separation of employment and/or removal of volunteer status.

Section 5. Substance Abuse Management

USE THIS TEMPLATE IF YOUR DRIVERS OBTAIN CDLs

(See Page 11 if your drivers do not possess CDLs)

5.1 Policy

[Agency Name] is dedicated to providing safe and dependable transportation services. [Employer's] employees are a valuable resource and it is our goal to provide a safe, healthy and satisfying working environment, free of the potential dangers posed by the use of prohibited drugs or misuse of alcohol.

This policy is established to comply with the Federal Motor Carrier Safety Administration (FMCSA) rules codified as 49 CFR Part 382, as amended and the USDOT regulations codified as 49 CFR Part 40, as amended and is only applicable to employees covered by these regulations.

Policy provisions authorized by [Agency Name] are italicized and bolded throughout this policy. All other policy provisions are implemented under the authority of the United States Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA).

This policy is approved by:	
Title of approving official:	
Signature of approving official:	
Date signed:	
Policy effective date:	

5.1 Employee Applicability

This policy and the USDOT/FMCSA testing program applies to any employee who drives, as part of their job duties for [Agency Name], a vehicle which requires the employee to hold a Commercial Drivers License (CDL) to operate the vehicle. A commercial motor vehicle is defined as:

- A vehicle with a passenger capacity of 16 or greater, including the driver*
- A vehicle or combination of vehicles with the GVW of 26,001 lbs. or greater
- A vehicle that is placarded for hazardous materials transport

Adherence to this policy is a condition of employment and volunteer status with [Agency Name]. All employees and volunteers must act in good faith to fulfill the provisions of this policy and to alert [Agency Name] of any and all concerns related to the use, manufacture, sale or possession of controlled substances or the misuse of alcohol within the workplace.

5.2 Effects & Consequences of Substance Abuse

The use of controlled substances, the abuse of prescription medication and the misuse of alcohol can dramatically diminish an individual's cognitive functions, reaction time, alertness and many other skills necessary to perform their job functions safely.

Statistics gathered by the National Council on Alcoholism and Drug Dependence reveal that injury-related accidents are 2.7 times more likely to involve employees with a substance abuse issue and 70% of the estimated 14.8 million Americans using illegal drugs are employed. Rates of absenteeism and tardiness are greater among substance abusers and those with an alcohol dependence, according to the US Bureau of Labor Statistics.

Additional information on the effects and consequences of drug use can obtained from the National Institute on Drug Abuse website: https://www.drugabuse.gov

Additional information on the effects and consequences of alcohol misuse can be obtained from the National Institute on Alcohol Abuse and Alcoholism website: https://www.niaaa.nih.gov

5.3 Controlled Substances Prohibition

Employees of [Agency Name] are prohibited from possessing, selling, manufacturing and consuming any controlled substance as defined by the United States Controlled Substances Act. Employees are also prohibited from possessing or consuming a controlled substance that has not been lawfully prescribed to the employee himself/herself. A lawfully prescribed medication must meet the definition of a "prescription" under the Controlled Substances Act and must only be consumed as directed by the prescribing physician. Employees are required to evaluate their own fitness for duty and must never report for duty or remain on duty when impaired by any substance.

5.4 Alcohol Misuse Prohibition

Employees and volunteers of [Agency Name] are prohibited from consuming alcohol within four (4) hours of reporting for duty, while on duty and while on call for duty. Alcohol consumption is also prohibited while on [Agency Name] property, while conducting [Agency Name] official

business and when representing [Agency Name] at a public event. The alcohol prohibition includes the consumption of alcohol in <u>any form</u>: ethyl, isopropyl, butyl and methyl alcohol as well as medication or foods that contain alcohol. Employees and volunteers must never report for duty or remain on duty while impaired by any intoxicating agent or substance.

5.5 Self-Reporting

Employees and volunteers are encouraged to seek assistance should they experience any issue with controlled substance use, prescription drug abuse and/or alcohol misuse. To ensure that employees have an opportunity to seek assistance rather than conceal addiction issues, [Agency Name] has designated an employer representative to serve as a confidential contact for employees who wish to self-report their use of a controlled substance, abuse of prescribed medication and/or an alcohol dependence. The named contact below will assist the employee or volunteer in locating local resources for the treatment of substance abuse or addiction issues:

Name: Insert the name of your agency's representative here

Phone: Insert the phone number of your agency's representative here

Email: Insert the email address of your agency's representative here

All costs associated with professional or medical evaluation, treatment, rehabilitation and after-care needs will be the sole responsibility of the employee or volunteer.

[Agency Name] reserves the right to remove an employee or volunteer from any or all job duties following the self-reporting of controlled substance use or alcohol misuse.

5.6 National Behavioral Health Treatment Services

The Substance Abuse and Mental Health Services Administration offers the following two ways to confidentially locate Behavioral Health Treatment Services

• Website: https://findtreatment.samhsa.gov

Telephone: 1-800-662-4357 (HELP)

5.7 Policy Violation Consequences

All employees and volunteers of [Agency Name] have a responsibility to maintain a safe work environment for fellow employees and our patrons. Employees and volunteers who fail to observe this policy in its entirety will be subject to disciplinary action up to and including separation of employment and/or removal of volunteer status.

5.8 USDOT/FMCSA Prohibited Drug Classes

Consumption of these drugs is prohibited at all times.

Amphetamines

- Cocaine
- Marijuana
- Opioids
- Phencyclidine (PCP)

5.9 Pre-employment Drug and Alcohol Background Checks

In accordance with 49 CFR Part 40.25, [Agency Name] must make and document good faith efforts to perform drug and alcohol background checks on all applicants applying for a position which will require the employee to operate a commercial motor vehicle as defined above. Testing information will be requested from each of the applicant's previous DOT-covered employers during the three years prior to the date of application. [Agency Name] must obtain the applicant's written consent for the release of their drug and alcohol testing information from their previous DOT covered employers to [Agency Name]. Applicants refusing to provide written consent are prohibited from operating a commercial motor vehicle for [Agency Name]. Applicants who have previously violated the USDOT testing program must provide documentation that they have successfully completed the USDOT's Return-to-Duty process with a DOT-qualified Substance Abuse Professional (SAP). Failure to provide satisfactory documentation will exclude the applicant from being hired as an operator of commercial motor vehicles for [Agency Name]

5.11 Pre-Employment Testing

All applicants for CDL-required positions shall undergo a pre-employment urine drug test. [Agency Name] must receive a verified negative drug test result <u>prior to the applicant's first driving duty in a CDL-required vehicle, including behind-the-wheel training</u>.

If an applicant's pre-employment urine drug test result is verified as positive, the applicant will be excluded from consideration for employment with [Agency Name]. Applicant will be provided a list of USDOT-qualified Substance Abuse Professionals, as required.

An employee returning from an extended leave period of 30 consecutive days or more, and whose name was <u>also</u> removed from the random testing pool for 30 days or more, must submit to a <u>pre-employment</u> urine drug test. [Agency Name] must be in receipt of a negative drug test result prior to the employee resuming their driving duties in a CDL-required vehicle.

5.12 Random Testing

Employees will be subject to random, unannounced testing. [Agency Name] will perform random testing in a manner that meets or exceeds the FMCSA minimum annual testing requirements, as amended. The selection of employees for random testing will be made using a scientifically valid method. All employees in the testing pool will have an equal chance of being selected each time a random draw is performed. Random <u>alcohol</u> tests will be conducted just before, during or just after the employee has performed driving duties in a CDL-required vehicle. Random <u>drug</u> tests may be conducted anytime an employee is on duty, on call for duty or on standby for duty.

Once an employee is notified that they have been selected for a random test, they must proceed

immediately to the testing location. Failure to proceed immediately may be deemed a refusal to test.

5.13 Reasonable Suspicion Testing

An employee must submit to reasonable suspicion drug and/or alcohol testing when a supervisor or company official trained in detecting signs and symptoms of drug use and alcohol misuse has made specific, contemporaneous, articulable observations concerning an employee's appearance, speech, behavior and/or body odor. Reasonable suspicion testing for alcohol misuse will occur when observations are made just before, during, or just after the employee has performed driving duties in a CDL-required vehicle. Reasonable suspicion testing for prohibited drugs may be conducted <u>anytime</u> an employee is on duty or on standby for duty and a trained supervisor has made the observations.

5.14 Post-Accident Testing

<u>Fatal Accidents</u>: Drivers must submit to post-accident drug <u>and</u> alcohol testing following an accident involving a CDL-required vehicle that results in the loss of human life.

Non-Fatal Accidents: Drivers of a CDL-required vehicle that have been involved in a non-fatal accident in which an individual suffers bodily injury and immediately received medical treatment away from the scene, OR one or more vehicles incurred disabling damage that required the vehicle(s) to be towed away from the accident scene must submit to post-accident drug and alcohol testing if the driver is issued a citation at the scene from a state or local law enforcement agency.

Post-accident drug and alcohol tests will be conducted as soon as practicable following the accident. An 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. An employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing will be deemed to have refused the test. However, employees are not prohibited from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

5.15 Urine Specimen Collections

Urine specimen collections will be conducted in accordance with USDOT rule, 49 CFR Part 40, as amended. Collectors will be appropriately trained and qualified to perform urine specimen collections for USDOT covered employers. Urine specimen collectors will use the split-specimen collection method and will afford the donor (employee) the greatest degree of privacy permitted per 49 CFR Part 40, as amended. When an observed collection is required, the observer will be of the same gender as the donor (employee).

5.16 Refusal to Submit to Urine Drug Testing

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

- (1) Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer (pre-employment testing not applicable).
- (2) Failure to remain at the testing site until the testing process is complete; provided,

that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.

- (3) Failure to provide a urine specimen for any drug test required by this part or DOT agency 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) Failure 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) Failure or decline to take an additional drug test the employer or collector has directed you to take
- (7) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by [Agency Name]
- (8) Failure 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, failure 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) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admitting to the collector or MRO that you adulterated or substituted the specimen.
- (12) When the MRO verifies your drug test result as adulterated or substituted.

Refusing to submit to a USDOT/FMCSA required test is a violation of the USDOT/FMCSA testing program. Employees are required to be immediately removed from driving duty and provided a list of USDOT-qualified Substance Abuse Professionals. *Per [Agency Name] authority, violation of the USDOT/FMCSA testing program will result in termination of employment.*

5.17 Urine Specimen Analysis

All specimens will be transported or shipped to a laboratory certified by the Department of Health and Human Services (DHHS). All specimens will be analyzed at the laboratory in accordance with 49 CFR Part 40, as amended. The procedures that will be used to test for the presence of prohibited drugs will protect the employee and the integrity of the drug testing process, safeguard the validity of the test results and ensure that the test results are attributed to the correct employee. Laboratory confirmed drug test results will be released only to a certified Medical Review Officer (MRO) for review and verification.

Negative-Dilute Specimens

Upon receipt of an MRO verified negative-dilute drug test result with creatinine levels greater

than 5 mg/dl and less than 20 mg/dl, [Agency Name] will require applicants and employees to submit to a second urine collection per 49 CFR Part 40.197. The collection of the second specimen will <u>not</u> be conducted using direct observation procedures. The MRO verified result of the second urine drug test will be accepted by [Agency Name] as the final result and the test of record. [Agency Name] will apply this policy provision uniformly for all pre-employment and random urine drug tests reported by the Medical Review Officer to have creatinine levels greater than 5mg/dl but less than 20mg/dl (negative-dilute results). Once notified that a second collection is required, employees must proceed immediately for testing. An employee's failure to report immediately may be deemed as a refusal to submit to testing, which is a violation of the USDOT/FMCSA testing program. Per [Agency Name] authority, violation of the USDOT/FMCSA testing program will result in termination of employment.

5.18 Role of the Medical Review Officer (MRO)

The role of the Medical Review Officer (MRO) is to review and verify laboratory confirmed test results obtained through a DOT-covered employer's testing program. When a non-negative drug test result is received, the MRO will communicate with the donor (employee) to determine if a legitimate medical explanation exists. When a legally prescribed medication has produced a non-negative result, the MRO will verify the prescription and report the result as "negative" to [Agency Name]. Medical conditions and other information obtained by the MRO during the interview with the donor will be maintained in a confidential manner. However, if the MRO believes that a medication prescribed to the donor may pose a significant safety risk, the MRO will require the donor to contact his/her prescribing physician and request that the physician contact the MRO within 5 business days. The MRO and prescribing physician will consult to determine if the employee's medication use or medical condition presents a significant safety risk. If the employee's prescribing physician fails to respond, the safety concern will be reported to [Agency Name] without consultation. Based on the MRO recommendation, [Agency Name] may deem the employee medically disqualified from performing driving duties in a CDL-required vehicle.

5.19 Consequence for MRO Verified Positive Drug Test

When [Agency Name] is notified of an MRO verified positive drug test, or a test refusal due to adulteration or substitution; the violating employee will be immediately removed from driving duties and provided a list of DOT-qualified Substance Abuse Professionals. Applicants will be excluded from hire and provided a list of DOT-qualified Substance Abuse Professionals. *Per* [Agency Name] authority, violation of the USDOT/FMCSA testing program will result in termination of employment.

5.21 Split Specimen Testing

As an important employee protection, split specimen collection procedures will be used for all USDOT/FMCSA urine collections. When an employee challenges an MRO verified result, he/she may request that the split specimen (bottle B) be tested at a different DHHS certified laboratory that conducted the test of the primary specimen (bottle A). Instructions for requesting the split specimen test will be provided by the Medical Review Officer during his/her interview with the donor (employee). In accordance with USDOT rule, [Agency Name] will ensure that the fee to process the split specimen test is covered, in order for a timely analysis of the split specimen. [Agency Name] may seek reimbursement for the cost of the split specimen test.

5.22 Alcohol Prohibition

Employees are prohibited from consuming alcohol while driving a CDL-required vehicle, within (4) four hours prior to performing driving duties in a CDL-required vehicle, or during the hours that they are on call or standby for duty. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.

Employees must not consume alcohol within eight (8) hours following an accident that requires post-accident drug and alcohol testing, or until the employee submits to post-accident testing, whichever occurs first.

5.23 Alcohol Testing

All alcohol screening tests and confirmation tests will be performed in accordance with USDOT rule, 49 CFR Part 40. The procedures that will be used to test for alcohol misuse will protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee.

When an alcohol-screening test indicates a blood alcohol concentration (BAC) of 0.02 or greater, a confirmation test will be performed using an evidential breath-testing device listed on the USDOT/ODAPC webpage as an "Approved Evidential Breath Measurement Device". The confirmed blood alcohol concentration (BAC) result will be transmitted by the technician to [Agency Name] in a confidential manner. An employee who has a confirmed blood alcohol concentration (BAC) of 0.02 or greater but less than 0.04 will be removed from driving duties for a period of at least twenty-four (24) hours, per 49 CFR Part 382.505.

5.24 Consequence for a USDOT/FMCSA Confirmed Alcohol Violation

An employee with a confirmed blood alcohol concentration (BAC) of 0.04 or greater has violated the USDOT/FMCSA testing program and will be immediately removed from driving duty and provided a list of DOT-qualified Substance Abuse Professionals. *Per [Agency Name] authority, violation of the USDOT/FMCSA testing program will result in termination of employment.*

5.25 Refusal to Submit to Alcohol Testing

The following actions constitute a refusal to submit to an alcohol test:

- (1) Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- (2) Failure to remain at the testing site until the testing process is complete
- (3) Failure to provide an adequate amount of saliva or breath for any USDOT required alcohol test
- (4) Failure 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) Failure to undergo a medical examination or evaluation, as directed by the [Agency]
- (6) Failure to sign the certification at Step 2 of the ATF

(7) Failure to cooperate with any part of the testing process.

Refusing to submit to a USDOT/FMCSA required test is a violation of USDOT/FMCSA testing program. Employees must be immediately removed from driving duty and provided a list of USDOT-qualified Substance Abuse Professionals. *Per [Agency Name] authority, violation of the USDOT/FMCSA testing program will result in termination of employment.*

5.26 Clearinghouse Reporting Requirement

In an effort to ensure that violating employees are not able to resume safety-sensitive duties (driving a commercial motor vehicle) until they have successfully completed the USDOT's Return-to-Duty process, the FMCSA has implemented a Drug and Alcohol Clearinghouse in accordance with 49 CFR Part 382, Subpart G. The following information must be reported to the FMCSA Drug and Alcohol Clearinghouse by the appropriate party:

- (1) A verified positive, adulterated, or substituted drug test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to any test required by subpart C of this part;
- (4) An employer's report of actual knowledge, as defined at §382.107:
 - a. On duty alcohol use pursuant to §382.205;
 - b. Pre-duty alcohol use pursuant to §382.207;
 - c. Alcohol use following an accident pursuant to §382.209; and
 - d. Controlled substance use pursuant to §382.213;
- (5) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
- (6) A negative return-to-duty test; and
- (7) An employer's report of completion of follow-up testing.

5.27 [Agency Name] Testing Program Contacts

For information regarding this policy and the required testing program, please contact [Employer's] Designated Employer Representative (Drug & Alcohol Program Manager):

Insert name of DER

Insert phone number and extension of DER

Insert e-mail address of DER

The regulations referenced throughout this policy may be obtained from the USDOT's Office of Drug and Alcohol Policy and Compliance website: https://www.transportation.gov/odapc and the Federal Motor Carrier Safety Administration's website: https://www.fmcsa.dot.gov/regulations

APPENDIX

- 1. Organizational Chart
- 2. Pre-and Post-Trip Inspection Forms
- 3. Maintenance Service Agreements
- 4. Accident Investigation Forms, Checklists, and/or Templates