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Public notice was given to *The Register-Guard* for publication on July 26, 2008.

**LANE TRANSIT DISTRICT  
SPECIAL BOARD MEETING/WORK SESSION**

**Wednesday, July 30, 2008  
5:30 p.m.**

**LTD BOARD ROOM  
3500 E. 17<sup>th</sup> Avenue, Eugene  
(off Glenwood Boulevard in Glenwood)**

**A G E N D A**

Page No.

I. CALL TO ORDER

II. ROLL CALL

Necker \_\_\_\_\_ Davis \_\_\_\_\_ Dubick \_\_\_\_\_ Evans \_\_\_\_\_  
Eyster \_\_\_\_\_ Gaydos \_\_\_\_\_ Kortge \_\_\_\_\_

**The following agenda items will begin at 5:30 p.m.**

III. PRELIMINARY REMARKS BY BOARD PRESIDENT

IV. ANNOUNCEMENTS AND ADDITIONS TO AGENDA 2

V. WORK SESSION

A. Possible November 2008 Tax Measure 3

**The following agenda items will begin at 6:30 p.m.**

VI. ITEMS FOR ACTION AT THIS MEETING

A. Consent Calendar (1 minute) 4

1. Revised Drug & Alcohol Program (Pages 5 and 11)

B. Second Reading and Adoption, Sixteenth Amended LTD Ordinance No. 35, An Ordinance Setting Fares for Use of District Services 6

VII. ADJOURNMENT

**Alternative formats of printed material and or a sign language interpreter will be made available with 48 hours' notice. The facility used for this meeting is wheelchair accessible. For more information, please call 682-6100 (voice) or 1-800-735-2900 (TTY, through Oregon Relay, for persons with hearing impairments).**

## AGENDA ITEM SUMMARY

**DATE OF MEETING:** July 30, 2008

**ITEM TITLE:** ANNOUNCEMENTS AND ADDITIONS TO AGENDA

**PREPARED BY:** Jeanne Schapper, Administrative Services Manager/Clerk of the Board

**ACTION REQUESTED:** None

**BACKGROUND:** This agenda item provides a formal opportunity for Board members to make announcements or to suggest topics for current or future Board meetings.

**ATTACHMENT:** None

**PROPOSED MOTION:** None

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## AGENDA ITEM SUMMARY

**DATE OF MEETING:** July 30, 2008

**ITEM TITLE:** POSSIBLE NOVEMBER 2008 TAX MEASURE

**PREPARED BY:** Stefano Viggiano, Assistant General Manager

**ACTION REQUESTED:** Direction to Staff

**BACKGROUND:** At the Board meeting on July 16, 2008, the Board discussed options to provide additional transit operating revenue. The Board directed staff to research a possible ad valorem property tax measure for inclusion on the November 2008 ballot. At tonight's meeting, staff will provide information on the feasibility and cost of putting a measure on the ballot this fall. This meeting is also an opportunity for the board and staff to share feedback received in discussions with community members about the possible tax measure.

Staff seek direction from the Board as to whether or not to prepare for Board action to put the measure on the ballot. Should the Board wish to pursue a ballot measure, the Board would need to pass a resolution to that effect on or before the Board meeting scheduled for August 20, 2008.

Consultants Chris Shultz and Linda Lynch will attend the meeting and participate in the discussion.

**ATTACHMENT:** None

**PROPOSED MOTION:** None

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## AGENDA ITEM SUMMARY

**DATE OF MEETING:** July 30, 2008

**ITEM TITLE:** CONSENT CALENDAR

**PREPARED BY:** Jeanne Schapper, Administrative Services Manager/Clerk of the Board

**ACTION REQUESTED:** Approval of Consent Calendar Items

**BACKGROUND:** Issues that can be explained clearly in the written materials for each meeting, and that are not expected to draw public testimony or controversy, are included in the Consent Calendar for approval as a group. Board members can remove any items from the Consent Calendar for discussion before the Consent Calendar is approved each month.

The Consent Calendar for July 30, 2008:  
*Approval of revised LTD Drug & Alcohol Program*

**ATTACHMENTS:** *Lane Transit District Drug & Alcohol Program (included as an Addendum to the Board Packet)*

**PROPOSED MOTION:** I move that the Board adopt the following resolution:

LTD Resolution No. 2008-031: It is hereby resolved that the Consent Calendar for July 30, 2008, is approved as presented.

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Lane Transit District  
P. O. Box 7070  
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## CONSENT CALENDAR ITEM

### *DRUG AND ALCOHOL PROGRAM*

Prepared by David Collier, Senior Human Resources Analyst  
July 30, 2008

On September 20, 1995, the LTD Board of Directors adopted Lane Transit District's *Drug and Alcohol Program*. Since that time, the Board has adopted four revisions to the *LTD Drug and Alcohol Program*--the most recent being May 2008.

The LTD Board of Directors is being asked to approve the revised *Drug and Alcohol Program*.

**Background:** The U.S. Department of Transportation (DOT) revised 49 CFR Part 40 in a *Federal Register*, published June 25, 2008. The part 40 amendments are effective August 25, 2008.

Some urine collection procedures were changed, making it more difficult to beat the DOT drug tests. The DOT Urine Specimen Collection Guidelines have been updated to reflect changes to the collection process. The new Guidelines are also effective August 25, 2008.

The Department changed the observed collection procedures because there is ample evidence suggesting that more and more devices are available in the market place that are designed to tamper with specimens (for example, devices expressly designed to bring "clean" urine into collections so that specimens would test negative). Many of these devices were designed to be undetected even if specimens were observed using the old procedures.

**Attachments:** The *LTD Drug and Alcohol Program*, showing the revisions that are being recommended, is being distributed to the Board under separate cover. It can be reviewed upon request by any member of the public.

**Staff Recommendation:** Staff recommends that the Board adopt the attached *Lane Transit District Drug and Alcohol Program* as part of the Consent Calendar for July 30, 2008.

**Consequences of Recommended Action:** The revised *Drug and Alcohol Program* will make LTD current under state and federal law.

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## AGENDA ITEM SUMMARY

- DATE OF MEETING:** July 30, 2008
- ITEM TITLE:** SECOND READING AND ADOPTION OF SIXTEENTH AMENDED FARE ORDINANCE NUMBER 35
- PREPARED BY:** Andy Vobora, Director of Service Planning, Accessibility, and Marketing
- ACTION REQUESTED:** Conduct a public hearing followed by the second reading and adoption of Sixteenth Amended Ordinance No. 35, an Ordinance Setting Fares for Use of District Services.
- BACKGROUND:** Following a public open house on June 18, 2008, to discuss changes to the fare structure, the Board directed staff to modify the proposed fare changes and retain the sale of discounted three-month passes. On July 16, 2008, a public hearing was held. The first reading of the ordinance was repeated at that meeting in order to address the omission of the token category listing in the ordinance. All prior recommendations were supported by the Board. The attached Sixteenth Amended LTD Ordinance No. 35 reflects Board direction, and staff recommend the following changes to the District fare structure:
- Increase the adult monthly pass price from \$38 to \$45.
  - Increase the adult three-month pass price from \$103 to \$122.
  - Increase the youth and EZ Access half-fare monthly pass price from \$19 to \$22.50.
  - Increase the youth and EZ Access half-fare three-month pass price from \$51.50 to \$61.
  - Eliminate the sale of bus tokens to the general public.
  - Eliminate the Holiday Taxi Reimbursement Program.
  - Increase the Breeze fare to regular fare prices.
  - Modify the adult age category to include anyone ages 19 through 64.
- Fare changes must be implemented by ordinance. The first such ordinance, Ordinance No. 35, was adopted in June 1992. This will be the Sixteenth Amendment to Ordinance No. 35. The first reading of Sixteenth Amended Ordinance No. 35 was held on June 18, 2008. This will be the second reading, and staff request adoption of the ordinance.

Sixteenth Amended Ordinance No. 35 will be adopted by an emergency adoption process. The emergency process allows for implementation of the fare changes prior to the September 2008 sales period. The emergency adoption process also requires that the ordinance be read in its entirety. Staff will have additional copies of the ordinance available for anyone in the audience who desires a copy.

**CONSEQUENCES OF REQUESTED ACTION:**

A copy of Sixteenth Amended Ordinance No. 35 will be filed with the County Clerk and made available for public inspection. Implementation of adopted changes will occur as follows:

Effective with the sale of September passes on August 24, 2008:

- Increase the adult monthly pass price from \$38 to \$45.
- Increase the adult three-month pass price from \$103 to \$122.
- Increase the youth and EZ Access half-fare monthly pass price from \$19 to \$22.50.
- Increase the youth and EZ Access half-fare three-month pass price from \$51.50 to \$61.

Effective September 1, 2008:

- Eliminate the sale of bus tokens to the general public.
- Increase the Breeze fare to regular fare prices.
- Modify the adult age category to include anyone ages 19 through 64.

Effective Thanksgiving Day 2008:

- Eliminate the Holiday Taxi Reimbursement Program.

**ATTACHMENTS:**

Sixteenth Amended Ordinance No. 35, an Ordinance Setting Fares for Use of District Services

**PROPOSED MOTION:**

(1) I move that Sixteenth Amended Ordinance No. 35 be read in its entirety.

Following an affirmative vote, the ordinance will be read by staff:

(2) I move the following resolution:

LTD resolution No. 2008-029: Be it resolved that the LTD Board of Directors hereby adopts Lane Transit District Sixteenth Amended Ordinance No. 35, an Ordinance Setting Fares for Use of District Services.

**LANE TRANSIT DISTRICT**  
**SIXTEENTH AMENDED ORDINANCE NO. 35**  
**An Ordinance Setting Fares for Use of District Services**

The Board of Directors of Lane Transit District does hereby ordain that Ordinance No. 35 of said District is hereby amended to read as follows:

1.01 Definitions. As used in this ordinance, unless the context requires otherwise:

- (1) "District" means Lane Transit District.
- (2) "Service Area" means the area designated in Ordinance No. 24 of Lane Transit District entitled "An Ordinance Altering the Territorial Boundaries for Lane Transit District," adopted November 17, 1999, as such area is now constituted and as it may be altered from time to time hereafter by ordinance of this District.

1.02 Fares.

- (1) Fares on the District transit system shall vary according to the status of the rider and method of payment and shall be in accordance with the following schedule:

(a) Cash Fare (Effective 7/01/08).

	<b>Monday-Sunday</b>
Adult (ages 19–64)	\$1.50
Youth (ages 6-18)*	\$.75
Half-Fare**	\$.75
Senior (ages 65 and older)**	Free

(b) Monthly and Three-Month Passes (Effective 8/24/08).

<u>Pass Type</u>	<u>Monthly</u>	<u>Three-Month</u>
Adult (ages 19-64)	\$45.00	\$122.00
Youth (ages 6-18)*	\$22.50	\$61.00
Half-Fare**	\$22.50	\$61.00
Senior (ages 65 and older)**	Free	Free

\* Youth fare applies to ages 6-18. Children age five and under ride free with parent or guardian.

\*\* LTD's EZ Access Program provides a half-fare program for persons with disabilities and Medicare cardholders. The EZ Access Program also provides the Honored Rider pass, providing free rides for persons 65 years of age and older. The half-fare and Honored Rider photo-identification cards may be obtained at LTD Customer Service.

(c) Day Pass (Effective 9/01/00).

The Day Pass rate is two times the cash fare.

(d) Tokens (Effective 9/01/08).

Tokens are worth \$1.50 toward any LTD ride. Tokens are sold in lots of 100 for \$110.00 and are only available for purchase by governmental agencies and organizations registered in the Lane Transit District Not-for-Profit Discount Program.



- (2) Group Pass Program. The general manager, or his/her designated representative, is authorized to sign contracts on behalf of the District to provide transit service to groups of riders at reduced rates pursuant to policies established by the Board at its May 2, 1990, meeting, as amended, or pursuant to such policies as the Board may hereafter adopt by resolution or ordinance.

Group Pass (*Effective January 1, 2009*)

Current monthly rates:	\$3.98 taxpayer
	\$4.63 non-taxpayer
Proposed monthly rates:	\$4.33 taxpayer
	\$5.04 non-taxpayer

- (3) Special Event Discounts. The promotional distribution of free tickets from time to time is necessary or convenient for the provision of a public transit system. The general manager, or his/her designated representative, is authorized to reduce or eliminate fares, or to approve the distribution of free tickets for use of District facilities during special events, or at specified times, on a finding by the general manager, or his/her designated representative, that the fare reduction or elimination will promote increased use of the District's public transit system or will otherwise further the provision of a public transit system.
- (4) Reduced Fares for Low-Income Persons. The general manager, or his/her designated representative, is authorized to sign contracts with local nonprofit agencies whereunder the District may agree to provide transit fare instruments at reduced prices to such agencies, for distribution to low-income persons within the service area who need transportation assistance. Definitions of those who are "low-income persons" and "who need transportation assistance" shall be part of such contracts, verbatim or by reference.
- (5) Paratransit. Fare structure (*Effective 7/01/01*):

<b>RideSource</b>	\$3.00	one way
Escort*	\$3.00	one way
<b>RideSource Shopper**</b>	\$2.00	round trip
Social Service Agencies***	100	percent
Book of Ten Tickets	\$30.00	

\* Escort is limited door-to-door transportation for medical rides.

\*\* **RideSource Shopper** is specialized transportation service for grocery shopping. **RideSource Shopper** fares are based on round-trip rides. All other fares are one-way rides.

\*\*\* Social service agencies will contract for service and pay 100 percent of the marginal cost of service.

- 2.01 Large-Quantity Pass Purchases. The District will provide a discount of five (5) percent to private sales organizations authorized by the District to sell passes to the general public.

3.01 Effective Date. This ordinance shall take effect on July 30, 2008, at which time this Sixteenth Amended Ordinance will stand in the stead of Ordinance No. 35 in all particulars and all previous amendments, and will govern all fares charged by the District. Sixteenth Amended Ordinance No. 35 will be adopted by an emergency adoption process. The emergency adoption process allows for implementation of the fare changes prior to September 1, 2008. The implementation of these fare changes generates revenue needed by Lane Transit District in order to address a budgetary shortfall that will result in service reductions. The additional fare revenue will mitigate a portion of these service reductions.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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President and Presiding Officer

ATTEST:

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Recording Secretary

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**LANE TRANSIT DISTRICT**  
**SIXTEENTH AMENDED ORDINANCE NO. 35**  
**An Ordinance Setting Fares for Use of District Services**

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
President and Presiding Officer

ATTEST:

\_\_\_\_\_  
Recording Secretary

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# Lane Transit District Drug & Alcohol Program

Effective Date: 09/20/1995

Revised Date: 02/16/2000

Revised Date: 10/20/2004

Revised Date: 03/19/2008

Revised Date: 05/21/2008

Revised Date: 07/30/2008

## **OBJECTIVE**

Lane Transit District is committed to providing and maintaining a safe and healthy work environment for its employees and a safe and dependable transportation system for the public. It is the intent of this policy to provide and maintain a drug- and alcohol-free workplace, in the interest of the health and safety of the District's employees and the public, and to maintain compliance with applicable federal and state laws and regulations.

## **APPLICATION**

This policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District. All District positions and the functions performed by individual employees have been reviewed to determine the performance of a safety-sensitive function as defined in Appendix A. District positions that require that all employees in the position perform a safety-sensitive function are listed in Appendix B. In addition, individual employees who perform a safety-sensitive function even though others in their position do not, are also listed in Appendix B.

Under FTA authority, all employees who perform a safety-sensitive function are subject to pre-employment drug testing and reasonable suspicion, post-accident, random, return-to-duty, and follow up drug and alcohol testing.

Under District authority all other safety-sensitive employees are subject to pre-employment drug testing and reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing. Non-safety-sensitive employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing.

Compliance with this policy is a condition of employment. Under District authority, any violation of this policy may subject the employee to discipline, up to and including suspension and/or discharge.

## **POLICY**

### **Prohibited Conduct**

The District expects and requires all employees to report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while having the presence of alcohol, illegal drugs, or any other disabling or controlled substance in their system. Prohibited drugs include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law (“controlled substance”). A breath alcohol concentration level of 0.02 or greater or any detectible level of a controlled substance on a drug test will be considered to be evidence of the presence of alcohol or a prohibited drug in the employee’s system.

In accordance with the Drug-Free Workplace Act of 1988, the District prohibits all employees from engaging in the possession, sale, transporting, distribution, manufacture or use of alcohol, illegal drugs or any other disabling or controlled substance at any time while on duty and/or on District premises, which include buses or other LTD owned or operated vehicle(s), or facilities. An employee who is off duty and is a passenger on a District owned mass transit vehicle may possess alcohol in sealed containers to the extent that is allowed by law. Employees may possess or exchange alcohol in sealed containers within the employee parking lot of the Glenwood Facility for legitimate personal use off duty and off premises.

In accordance with Federal Transit Administration (FTA) regulation 49 CFR part 655, employees are prohibited from performing a safety-sensitive function with a breath alcohol concentration level of 0.02 or greater. In addition, employees must not consume alcohol while performing a safety-sensitive function and must not consume alcohol four hours prior to performing a safety-sensitive function and up to eight hours following an accident or until the employee undergoes a post-accident drug and/or alcohol test, whichever occurs first.

In accordance with FTA regulation 49 CFR part 655, the use and ingestion of prohibited drugs (marijuana, cocaine, opiates, amphetamines, or phencyclidine) by employees who perform a safety-sensitive function, is prohibited at all times.

FTA regulations require the District to test all District employees who perform a safety-sensitive function for prohibited drug use and alcohol misuse. In accordance with FTA regulations, participation in the District’s drug and alcohol testing program is a condition of employment for all employees who perform a safety-sensitive function. An employee who performs a safety-sensitive function who refuses to submit to a drug or alcohol test will be in violation of this policy and under District authority may be subject to discipline, up to and including suspension and/or discharge.

### **Employee Assistance Program**

All employees are encouraged to voluntarily seek assistance in dealing with emotional, physical, or mental health problems, including drug use and/or alcohol misuse, which may adversely affect their job performance. Confidential professional assistance, treatment planning, and rehabilitation services are available by directly contacting the District's employee assistance program (EAP) provider, Reliant Behavioral Health Employee Assistance Program (344-6929 or 1-866-750-1327).

An employee who requests assistance from the District for a drug and/or alcohol problem, before the problem affects job performance, will not jeopardize their employment solely by requesting and/or receiving assistance to deal with a drug and/or alcohol problem. If an employee does not seek treatment for a drug and/or alcohol problem, and it is found that their performance is being affected, under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

### **Prescription/Over-the Counter Drug Use**

District employees may possess and use medically authorized prescription or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise affect the covered employee's fitness for duty or job performance. Employees must report the use of prescription or over-the-counter drugs that could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance, or which may cause a risk of danger to the employee or others, to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or job performance. The District may require employees to provide written medical authorization to work from a physician, upon the reporting of the use of prescription or over-the-counter drugs. Under District authority, an employee's failure to report the use of prescription or over-the-counter drugs which have disabling effects or otherwise affect the employee's fitness for duty while at work or failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

### **Employee Responsibility**

The District expects and requires the support of all employees in meeting its commitment to providing a drug- and alcohol-free work environment. An employee who observes or has knowledge of another employee in a condition which impairs their ability to perform their job duties or who poses a serious hazard to the safety and welfare of others, must report the information to their immediate supervisor, the employee's supervisor, the Director of Human Resources and Risk Management or the Drug and Alcohol Program Administrator.



### **Workplace Drug Related Convictions**

In accordance with the Drug Free Workplace Act of 1988, the District requires all District employees to report, in writing, to the District, any criminal conviction for a violation of a criminal drug statute occurring in the workplace no later than five days after the conviction. Within ten (10) calendar days of receiving notification of the conviction the District will provide written notification to its federal contracting agencies

Under its own authority, the District may subject employees convicted of workplace drug-related crimes to disciplinary action up to and including suspension and/or discharge. Any disciplinary action will be imposed within 30 days of the District being notified of the conviction.

Employees convicted of workplace drug-related crimes may be required by the District to participate satisfactorily in a drug abuse assistance or rehabilitation program.

### **Right to Inspection**

When the District has reasonable suspicion to believe an employee is in possession of prohibited controlled substances and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. Employees shall have no reasonable expectation of privacy under these circumstances. The District will have at least one witness present when conducting an inspection of an employee or the employee's personal property, clothing, or personal vehicle. Under its own authority, the District may subject employees who refuse to submit to such an inspection to disciplinary action, up to and including suspension and/or discharge. The District reserves the right to search District property (i.e. desks, file cabinets, lockers) at any time, and employees shall have no reasonable expectation of privacy with respect to District property.

### **Training**

In accordance with FTA regulations, all employees who perform a safety-sensitive function will be required to attend a minimum of one hour of training regarding the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the manifestations and behavioral cues that may indicate prohibited drug use. In addition, the District will require all employees who perform a safety-sensitive function to attend training regarding the District's Drug and Alcohol Policy and its testing program.

In accordance with FTA regulations, all supervisors who are responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will be required to attend a minimum of two hours of training regarding the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.

Under its own authority, the District may require or permit all employees to attend training or educational programs regarding drug and/or alcohol abuse.

### **Testing**

As mandated by Federal regulations and authorized by the FTA, applicants for employment in a safety-sensitive position, employees requesting transfer into a safety-sensitive position, and employees in a position that requires the performance of a safety-sensitive function are required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up testing) as a condition of employment with the District. The Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," prescribes the testing methods that will be used, and such testing shall also be consistent with applicable State law.

Under District authority, all other safety-sensitive employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, and return to duty testing) as a condition of employment with the District. Non-safety-sensitive employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing. Testing methods comparable to the testing methods prescribed in the Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," will be used, and such testing shall also be consistent with applicable State law.

All drug and alcohol testing will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS), the DOT, and State law. All drug and alcohol testing that is conducted under District authority will also be conducted in a manner which assures a high degree of accuracy and reliability by using techniques, chain of custody procedures, and equipment and laboratory facilities which are the same as or comparable to those approved by the U.S. Department of Health and Human Services (DHHS), the DOT, and State law.

All drug and alcohol testing will be conducted in an environment that affords the maximum privacy practicable for the employee being tested. The District will strictly adhere to all standards of confidentiality, maintaining the confidentiality of the employee throughout the drug and/or alcohol testing process.

Except as otherwise stated by this policy, the District will be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

Any safety-sensitive applicant/employee with a dilute negative test result (creatinine level  $\geq 5$  mg/dL) will be directed by the Drug and Alcohol Program Manager to undergo an immediate second unobserved test.

### **Types of Testing**

#### **Pre-employment:**

As authorized by the FTA, all applicants who have been selected for employment in a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive position. In addition, current employees who are being transferred or promoted into a safety-sensitive position from a non-safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive function. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, all applicants who have been conditionally selected for employment in a safety-sensitive position pending the outcome of a drug test and employees who have been selected to be promoted into a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being hired or assigned to the position. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, failure to obtain a verified negative test result on a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position. An applicant who has failed a pre-employment drug test will be advised of resources available to evaluate and resolve problems associated with drug abuse, including the names addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. Unless otherwise provided by law, an applicant who has failed a pre-employment drug test will be ineligible to submit another application for employment with the District for a period of 6 months.

Under FTA authority, applicants who have previously refused or tested non-negative for a DOT-required drug and/or alcohol test need to submit documentation supporting their completion of an Substance Abuse Professional (SAP)-approved treatment and return-to-duty/follow-up program.

An existing safety-sensitive employee who has not performed a safety-sensitive function for 90 consecutive calendar days is required by FTA regulations to submit to a pre-employment urine drug test and obtain a negative result prior to the reassignment of safety-sensitive duties.

#### **Reasonable Suspicion:**

As authorized by the FTA, employees who perform a safety-sensitive function will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited controlled substance or alcohol. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

Under District authority, all other District employees will be required to submit to urine testing for controlled substances and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a controlled substance or alcohol.

The determination to require a reasonable suspicion drug and/or alcohol test will be made by a supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse. The determination will be based on the supervisor's or managers specific observations including, but not limited to, the employee's appearance, behavior, speech, body odor of the employee, bizarre behavior in the workplace, a substantial reduction in productivity, repeated tardiness or absences, or behavior which causes an on-the-job injury or causes substantial damage to property.

Whenever possible, the determination to require a reasonable suspicion drug and/or alcohol test should be made by the employee's supervisor or manager. If the employee's supervisor or manager is not immediately available, the determination to require a reasonable suspicion drug and/or alcohol test may be made by another supervisor or manager within the employee's department, a supervisor or manager in another department, or by the Drug and Alcohol Program Administrator.

When an employee has been notified that he/she will be required to submit to reasonable suspicion drug and/or alcohol testing, he/she must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

**Post-accident:**

As authorized by the FTA, drug and alcohol testing is required of all employees who perform a safety sensitive function who are involved in an accident, as defined by FTA regulations, where there is a loss of life. In other nonfatal accidents, drug and alcohol testing is required of employees who perform a safety sensitive function unless the employees' performance can be completely discounted as a causative or contributing factor.

FTA regulations define an accident as an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, or
- One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

An occurrence associated with the operation of a vehicle means that the accident is directly related to the manner in which the driver applied the brake, accelerated, turned the steering wheel, or operated its lift. Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated.

Following a fatal accident, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and alcohol testing. All safety-sensitive employees not on the vehicle whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, also will be tested.

Following a nonfatal accident, each safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and/or alcohol testing unless the District determines, using the best available information at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Employees not on the vehicle, whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will be subject to drug and alcohol testing unless their behavior can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be performed as soon as possible following an accident.

Drug tests will be performed within 32 hours following the accident. Alcohol tests should be performed within two hours following the accident and will be performed within eight hours following the accident. If the employee to be tested was injured in the accident, the requirement to test for drugs and/or alcohol should not delay necessary medical attention, and testing may be administered simultaneously with the employee receiving necessary medical attention.

Any safety-sensitive employee involved in an accident must remain readily available for drug and/or alcohol testing for up to eight hours after the accident. The employee is responsible for notifying the District of his or her location if he or she leaves the scene of the accident prior to submitting to testing. Failure by the employee to remain readily available may be determined to be a refusal to submit to testing.

When an employee has been notified that they will be required to submit to post-accident drug and/or alcohol testing, they must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident drug and alcohol tests required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes. If the District is unable to perform the required FTA tests (i.e., the employee is unconscious, or detained by a law enforcement agency), the District may use the results of a blood or urine test for the use of prohibited drugs and/or the

results of a blood or breath test for the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the test, to meet the testing requirements of the Federal regulations and this policy, provided such tests conform to the applicable Federal, State, or local testing requirements, and that the results of the tests are obtained by the District.

**Random:**

As authorized by the FTA and State law, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing. The District will comply with the random selection rate established by the FTA for safety sensitive employees as outlined in 49 CFR Part 655. All employees subject to random selection will have an equal chance of being selected for testing and will remain in the random selection pool even after being tested. The selection method shall be made by scientifically valid methodology and shall be spread reasonably throughout the time safety-sensitive functions are performed.

Employees who are subject to random testing will remain subject to random testing throughout their work shift. If an employee is initially notified that they have been selected for random testing prior to the end of their work shift, the test(s) must be completed, even when such completion has the incidental effect of causing the employee to stay overtime. When an employee has been notified that they have been selected for testing, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

**Return to Duty:**

As authorized by the FTA and State law, all employees who perform a safety-sensitive function and who have previously had a verified positive drug test, an alcohol test result of 0.04 or greater, a refusal to test, or engaged in any activity that violates the FTA regulations, must submit to and receive a verified negative test result on a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02 prior to resuming performance of safety-sensitive duties. Return-to-duty testing will not be conducted until after the SAP determines that the employee has completed all education and treatment recommended by the SAP. The FTA requires that return to duty tests be an observed collection.

The District, under its own authority, may require employees returning to work from a positive drug and/or alcohol test to undergo a physical evaluation, by a physician of the District's choice and to pass a return to duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02, prior to returning to work.

**Follow-up:**

In accordance with FTA regulations, a safety-sensitive employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up drug and/or alcohol testing for a least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty. The FTA requires that follow up tests be an observed collection.

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Under District authority, an employee who has been permitted to return to duty, following voluntary treatment for a drug and/or alcohol problem may be required to submit to follow-up drug and/or alcohol testing.

When an employee is notified to submit to a follow-up test, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Follow-up testing is separate from and in addition to all other testing that is conducted as part of the drug and alcohol testing program. If a follow-up test is cancelled, the employee is required to submit to an additional test.

**Pre-duty Alcohol Use:**

In accordance with FTA regulations, all safety sensitive employees are prohibited from using alcohol within 4 hours of performing a safety-sensitive function. A safety-sensitive employee who is requested to report for duty less than four hours prior to the requested report time must inform the District if they have consumed alcohol within four hours of the requested report time.

If an on-call safety-sensitive employee informs the District of their use of alcohol and claims they have the ability to safely perform their safety-sensitive function, the employee will be allowed to submit to a breath alcohol test. If the employee's breath alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

**Blind Performance Testing:**

In accordance with FTA regulations, the District will ensure that ongoing blind sample proficiency testing is conducted, using blind quality control specimens that are not distinguishable from covered employee specimens, as a quality assurance measure of the testing laboratory.

**Drug Testing Procedures**

In accordance with FTA regulations and State law, drug and alcohol testing procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Final Guidelines, and the provisions set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Final Rule, and Oregon State law.... A copy of 49 CFR Part 40 is available in the Human Resources and Risk Management Department.

Urine Drug testing will be conducted for:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

**Observed Collections:**

In accordance with FTA regulations, with regards to a drug test conducted for a safety-sensitive employee, in the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

- The employee has presented a urine sample that falls outside the normal temperature range ( 90.0 to 100.0),
- The collector observes conduct or materials that clearly indicate an attempt to substitute or adulterate the sample.

In the following circumstances, the MRO will direct the District to require the employee to be subject to an immediate retest under direct observation:



- The laboratory was reported that the specimen was invalid and the MRO has determined that there was not an adequate medical explanation for the result,
- If a specimen has a creatine level of greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL,
- The MRO had to cancel a test when the primary specimen was verified as positive, adulterated, or substituted because the split was unavailable for testing.

If an employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulation as a return-to-duty or follow-up test, the collection is required to be observed,

**Deleted:** District may authorize an observed collection.

In accordance with Federal regulations, employees having observed collections must be instructed to raise clothing, just above the navel; lower clothing, to mid-thigh; then turn around to show the same gender observers they do not have prosthetic devices for beating the tests. If no device is detected, the employee is permitted to return clothing to its proper observed-collection position. Then the observed collection will take place.

**Deleted:** the direct observation of specimen collection must be by a collection site person of the same gender as the employee being tested.

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### **Return to Duty after Specimen Collection**

Under District authority, a safety-sensitive employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the employee is also subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

Under District authority, a safety-sensitive employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified negative test result.

Under District authority, a non-safety-sensitive employee who is required to submit to a reasonable suspicion drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

### **The Role of the Medical Review Officer (MRO)**

For safety-sensitive employee testing, an MRO is required to verify positive test results and facilitate the split sample process. An MRO is defined by the FTA as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders. The MRO shall communicate all verified positive test results to the employee and to the District.

### **Drug Test Results**

All drug test results will be reported by the testing laboratory to a qualified MRO designated by the District. The MRO will be responsible for verifying and validating drug test results. The MRO will review and interpret the employee's confirmed positive drug test result by reviewing the individual's medical history and affording the employee an opportunity to offer any clarifying information that would explain a positive test result. The MRO will report each verified test result to the District and will notify each employee who has a verified positive test result. The MRO may verify a test as positive without having communicated directly with the employee if: the employee expressly declines the opportunity to discuss the test; neither the MRO nor the District has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory; or the District has contacted the employee and directed the employee to contact the MRO and more than five days have passed since the date the employee was contacted by the District.

### **Positive Drug Test Results**

An employee who has a verified positive drug test result will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge. A "verified positive drug test" means an initial positive result which has been validated by a second confirmatory positive drug test.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO or the District, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. The employee will not be responsible for paying the cost of the split sample testing prior to the test being conducted. However, the District reserves the right to seek reimbursement from the employee. The request by an employee for an analysis of the split specimen will not delay the removal of the employee from their safety-sensitive position. If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the employee will be returned to duty and will be compensated for time or benefits lost as a result of being placed on an unpaid leave of absence.

### **Breath Alcohol Testing Procedures**

All breath specimen collection must be collected through the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol tests will be conducted by a trained breath alcohol technician (BAT) at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable. Prior to specimen collection, the employee and the BAT must complete, date, and

sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen.

The BAT will conduct an initial screening test, requiring the employee to blow forcefully into a disposable mouthpiece, attached to the EBT, for at least six seconds or until an adequate amount of breath has been obtained. Following the initial screening test, the BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial screening test. The employee must remain in the presence of the BAT during the waiting period. The confirmation test will be conducted using the same procedures as the initial screening test. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test is to conduct the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation test are not identical, the confirmation test result will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT and the employee will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested. The BAT will be responsible for transmitting all test results to the District in a confidential manner.

If an employee attempts and fails to provide an adequate amount of breath, the BAT will note this on the alcohol testing form and notify the District. The employee will be required to submit to a medical evaluation, by a physician of the District's choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

### **Breath Alcohol Test Results**

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

Under District authority a confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy.

As required by the FTA, if the results of the breath alcohol test are 0.02 or greater, but less than 0.04, the employee will not be permitted to return to duty until the start of his/her next regularly

scheduled shift and not less than eight hours following the test. Under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

As required by the FTA, if the results of the breath alcohol test are 0.04 or greater, the employee will be immediately removed from his/her safety-sensitive position, advised of the resources available to evaluate and resolve problems associated with alcohol misuse, and be evaluated by an SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee with a breath alcohol concentration level of 0.02 or greater will be provided transportation to his/her residence. If the employee insists on driving, law enforcement will be notified.

### **Refusal to Submit to a Test**

In accordance with FTA regulations and State law an employee who is determined to have a test refusal will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

A determination of an employee's test refusal includes the following:

- Refusal to take the test
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
- Failure to undergo a medical examination or evaluation as directed by the MRO.
- The MRO reports a verified adulterated or substituted test result.
- Not reporting to the collection site in the time allotted
- Failure to remain at the collection site until the collection process has been completed. An applicant who leaves the collection site prior to the commencement of the collection process will not be deemed to have a test refusal.
- Failure to permit direct observation or monitoring of the provision of a specimen for a drug test, when a direct observation or monitoring is required.

- Failure or decline to take a second test when directed by the collector or the District.
- Not cooperating with the collection process (e.g. refuse to empty pockets when so directed or behaving in a confrontational manner that disrupts the collection process).
- Refusal to sign the certification at Step 2 of the Alcohol Testing Form.
- Leaving the scene of an accident without authorization before the tests have been conducted

### **Discipline**

Compliance with the District's Drug and Alcohol Policy is a condition of employment for all employees. For employees who are represented by ATU 757, a violation of any part of the District's Drug and Alcohol Policy will result in discipline as provided in Article 24 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy will result in discipline, up to and including suspension and/or discharge. Factors which the District may consider regarding the severity of disciplinary action include, but are not necessarily limited to, the covered employee's conduct which prompted the application of this policy, the covered employee's work record, the degree of impairment, the potential for consequences arising from the covered employee's actions, and the drug and/or alcohol test results.

Employees who are discharged as a result of violating this Drug and Alcohol policy will be provided with a list of the resources available in evaluating and resolving problems associated with the use of illicit drugs and/or misuse of alcohol and will have access to the District's current EAP. Access to the EAP program will be limited to treatment directly related to the drug and/or alcohol problem, and is available for a time period not to exceed sixty days.

### **The Role of the Substance Abuse Professional (SAP)**

A SAP is a professional who can determine what assistance, if any, an individual needs in resolving problems associated with prohibited drug use and/or alcohol misuse. The evaluation will consist of a clinical assessment, treatment recommendations, and referrals, as appropriate. The SAP will inform the District, in writing, of the clinical-assessment-based treatment recommendations, which must be complied with. In addition, the SAP will specify the duration and frequency of follow-up drug and/or alcohol tests. The SAP's evaluations, assessment, treatment recommendations, referrals and follow-up testing recommendations will be in accordance with 49 CFR Part 40.

**Required Treatment**

If the SAP determines that an employee has successfully demonstrated compliance with the education and treatment required by the SAP but not completed the full regimen of education and treatment (e.g. ongoing out-patient treatment) the employee may be eligible to return-to duty.

Work absences for the continued education and treatment required by the SAP may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. If sick leave and personal medical leave have been exhausted, the employee may be placed on a medical leave of absence without pay.

If the District is notified by the SAP that the employee is not complying with the on-going education and treatment requirements, the employee will be immediately removed from his/her safety-sensitive position. Under District authority, the employee will be placed on an unpaid leave of absence and may be subject to discipline, up to and including suspension and/or discharge.

### **Working Conditions**

The presence or treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other District instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. Employees remain responsible for their on-the-job conduct and work performance.

### **Return to Work Agreement**

Under District authority, employees who have a verified positive drug test, have a confirmed breath alcohol concentration level of 0.04 or greater, or who are referred to drug and/or alcohol treatment which requires them to be away from work, will be required to sign a return to work agreement prior to being permitted to return to duty. The agreement may include, but is not limited to the following requirements:

- A release to work statement from an approved treatment specialist
- A negative test for drugs and/or alcohol
- An agreement to follow-up testing
- A statement of expected work-related behaviors
- An agreement to follow specified aftercare requirements
- An expressed understanding that violation of the return to work agreement may result in discipline, up to and including suspension and/or discharge

The return to work agreement is not a guarantee of continued employment. Employees working under a return to work agreement must also follow all other District policies and procedures.

### **Confidentiality**

The District will maintain all records regarding the drug and/or alcohol testing of employees in a secure manner so that the disclosure of information to unauthorized



persons does not occur. In Accordance with FTA regulations, drug and/or alcohol test results will be released only under the following circumstances:

- Upon written request, employees will be provided access and/or copies of any records relating to his/her test(s).
- Upon specific, written request of an employee, information and/or copies of records regarding an employee's test results will be released to a third party.
- When requested information related to a test result may be disclosed to a decision maker in a lawsuit, grievance, or other proceeding, initiated by or on behalf of the employee tested.
- Upon receipt of an order of a court of competent jurisdiction for criminal or civil action resulting from an employee's performance of safety-sensitive duties, test results will be released to the decision maker in the proceeding with the binding stipulation that the decision maker will make it available only to parties to the proceeding.
- Upon request of DOT agency representatives all drug and alcohol program records that are required by 49CFR Part 40 and DOT agency regulations will be provided to the agency representatives.

### **Program Administration**

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator, listed in the appendix Additional information regarding this policy or the program is available by contacting the Drug and Alcohol Program Administrator, in the Human Resources Department at (541) 682-6182. All records will be maintained in accordance with 49 CFR Parts 40 and 655.

### **MAINTENANCE**

The Director of Human Resources and Risk Management is responsible for monitoring the application and revision of this policy.

Adopted by the Board of Directors, September 20, 1995.

Revised: February 16, 2000

Revised: October 20, 2004

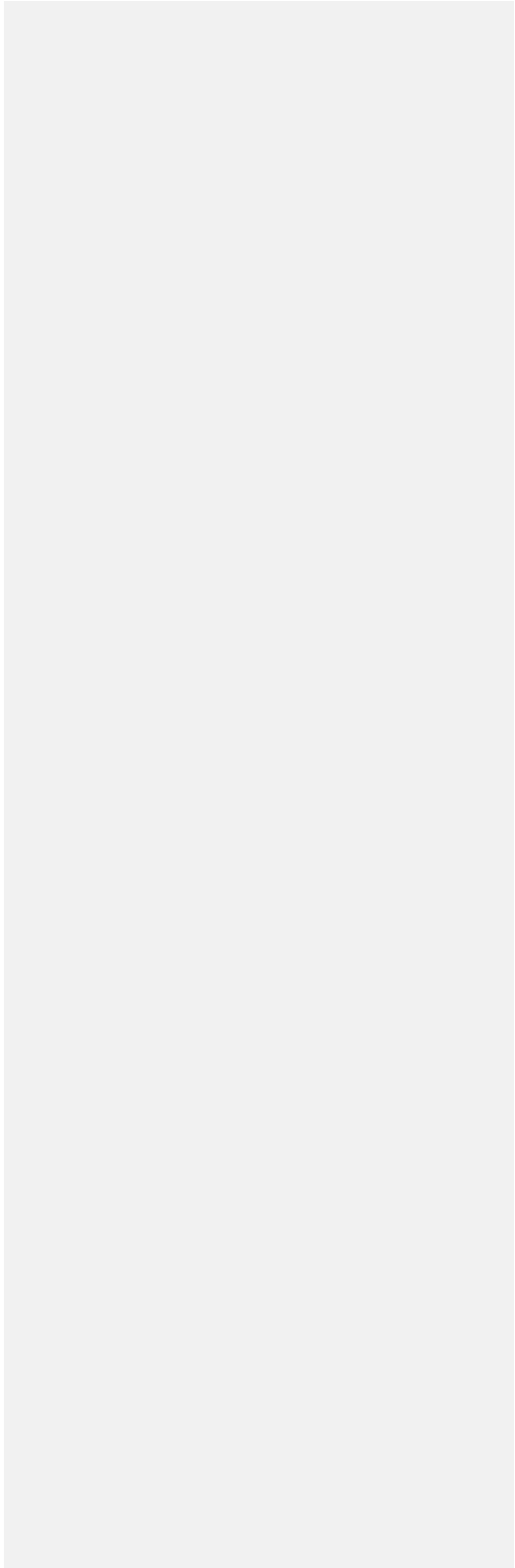
Revised: March 19, 2008

Revised: May 21, 2008

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Lane Transit District  
Drug & Alcohol Program

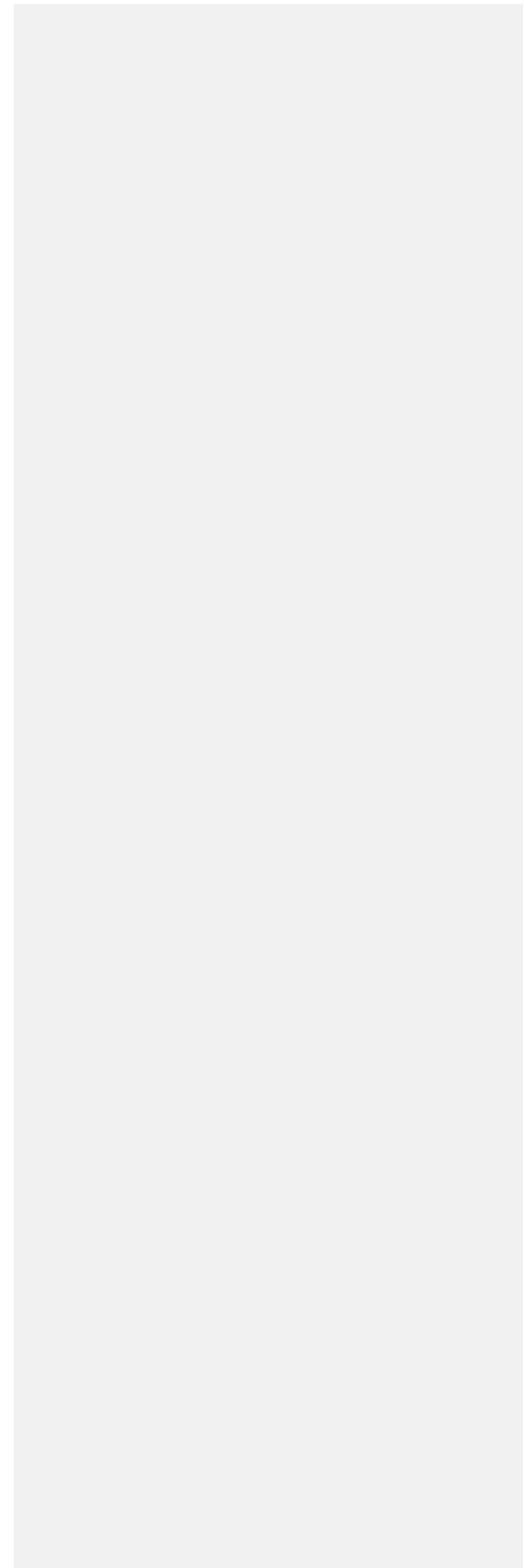
Revised: July 30, 2008



**APPENDIXES**

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions



## APPENDIX A

### Terms and Definitions

**Alcohol** As defined by the FTA, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

As agreed upon by the District and the Amalgamated Transit Union, Local 757, alcohol means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

**Alcohol Use** The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**Blind Sample** A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from covered employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

**Breath Alcohol Technician (BAT)** An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

**Chain of Custody** Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

**Controlled Substance** As agreed upon by the District and the Amalgamated Transit Union, Local 757, controlled substance means any drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.940, 475.950, and 475.955. In addition, manufactured drugs recognized by health and law enforcement agencies that are not included in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035 are considered to be controlled substances.

**Medical Review Officer** A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

**Over-The-Counter-Drugs/Medications** Those drugs/medications which are legally available without a prescription.

**Performing a Safety-Sensitive Function** An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

**Prescription Drugs/Medications** Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

**Safety-Sensitive Function** Any of the following duties:

- Operating a revenue service vehicle, including when not in revenue service
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License
- Controlling dispatch or movement of a revenue service vehicle
- Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

**Safety-sensitive Position** A position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions at Lane Transit District, as defined by the Federal regulations, is attached to this policy.

**Substance Abuse Professional** A licensed physician (medical doctor or doctor of osteopathy); or a licensed or certified psychologist, social worker, employee assistance professional; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse); with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

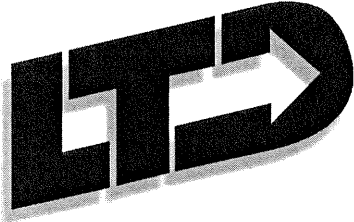
## **APPENDIX B**

### **Safety-Sensitive Positions**

Employees in the following positions are required to perform safety-sensitive functions as defined in the Federal Drug and Alcohol regulations:

- Bus Operator
- Director of Maintenance
- Director of Transit Operations
- Equipment Detail Technician
- Eugene Station/Security Manager
- Facilities Maintenance Generalist
- Facilities Maintenance Laborer
- Facilities Maintenance Specialist
- Facilities Maintenance Supervisor
- Fleet Services Supervisor
- General Service Worker
- Journeyman Mechanic
- Journeyman Tire Specialist
- Scheduling Specialist
- Transit Operations Supervisor
- Transit Services Manager

Other employees who hold a valid CDL and drive a revenue service vehicle off company premises.



**Lane Transit District**

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ADDENDUM TO JULY 30, 2008  
LTD BOARD AGENDA PACKET

***LTD DRUG & ALCOHOL PROGRAM***

(showing recommended revisions)

## **Lane Transit District Drug & Alcohol Program**

Effective Date: 09/20/1995  
Revised Date: 02/16/2000  
Revised Date: 10/20/2004  
Revised Date: 03/19/2008  
Revised Date: 05/21/2008  
Revised Date: 07/30/2008

### **OBJECTIVE**

Lane Transit District is committed to providing and maintaining a safe and healthy work environment for its employees and a safe and dependable transportation system for the public. It is the intent of this policy to provide and maintain a drug- and alcohol-free workplace, in the interest of the health and safety of the District's employees and the public, and to maintain compliance with applicable federal and state laws and regulations.

### **APPLICATION**

This policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District. All District positions and the functions performed by individual employees have been reviewed to determine the performance of a safety-sensitive function as defined in Appendix A. District positions that require that all employees in the position perform a safety-sensitive function are listed in Appendix B. In addition, individual employees who perform a safety-sensitive function even though others in their position do not, are also listed in Appendix B.

Under FTA authority, all employees who perform a safety-sensitive function are subject to pre-employment drug testing and reasonable suspicion, post-accident, random, return-to-duty, and follow up drug and alcohol testing.

Under District authority all other safety-sensitive employees are subject to pre-employment drug testing and reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing. Non-safety-sensitive employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing.

Compliance with this policy is a condition of employment. Under District authority, any violation of this policy may subject the employee to discipline, up to and including suspension and/or discharge.



## **POLICY**

### **Prohibited Conduct**

The District expects and requires all employees to report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while having the presence of alcohol, illegal drugs, or any other disabling or controlled substance in their system. Prohibited drugs include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law ("controlled substance"). A breath alcohol concentration level of 0.02 or greater or any detectible level of a controlled substance on a drug test will be considered to be evidence of the presence of alcohol or a prohibited drug in the employee's system.

In accordance with the Drug-Free Workplace Act of 1988, the District prohibits all employees from engaging in the possession, sale, transporting, distribution, manufacture or use of alcohol, illegal drugs or any other disabling or controlled substance at any time while on duty and/or on District premises, which include buses or other LTD owned or operated vehicle(s), or facilities. An employee who is off duty and is a passenger on a District owned mass transit vehicle may possess alcohol in sealed containers to the extent that is allowed by law. Employees may possess or exchange alcohol in sealed containers within the employee parking lot of the Glenwood Facility for legitimate personal use off duty and off premises.

In accordance with Federal Transit Administration (FTA) regulation 49 CFR part 655, employees are prohibited from performing a safety-sensitive function with a breath alcohol concentration level of 0.02 or greater. In addition, employees must not consume alcohol while performing a safety-sensitive function and must not consume alcohol four hours prior to performing a safety-sensitive function and up to eight hours following an accident or until the employee undergoes a post-accident drug and/or alcohol test, whichever occurs first.

In accordance with FTA regulation 49 CFR part 655, the use and ingestion of prohibited drugs (marijuana, cocaine, opiates, amphetamines, or phencyclidine) by employees who perform a safety-sensitive function, is prohibited at all times.

FTA regulations require the District to test all District employees who perform a safety-sensitive function for prohibited drug use and alcohol misuse. In accordance with FTA regulations, participation in the District's drug and alcohol testing program is a condition of employment for all employees who perform a safety-sensitive function. An employee who performs a safety-sensitive function who refuses to submit to a drug or alcohol test will be in violation of this policy and under District authority may be subject to discipline, up to and including suspension and/or discharge.

### **Employee Assistance Program**

All employees are encouraged to voluntarily seek assistance in dealing with emotional, physical, or mental health problems, including drug use and/or alcohol misuse, which may adversely affect their job performance. Confidential professional assistance, treatment planning, and rehabilitation services are available by directly contacting the District's employee assistance program (EAP) provider, Reliant Behavioral Health Employee Assistance Program (344-6929 or 1-866-750-1327).

An employee who requests assistance from the District for a drug and/or alcohol problem, before the problem affects job performance, will not jeopardize their employment solely by requesting and/or receiving assistance to deal with a drug and/or alcohol problem. If an employee does not seek treatment for a drug and/or alcohol problem, and it is found that their performance is being affected, under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

### **Prescription/Over-the Counter Drug Use**

District employees may possess and use medically authorized prescription or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise affect the covered employee's fitness for duty or job performance. Employees must report the use of prescription or over-the-counter drugs that could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance, or which may cause a risk of danger to the employee or others, to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or job performance. The District may require employees to provide written medical authorization to work from a physician, upon the reporting of the use of prescription or over-the-counter drugs. Under District authority, an employee's failure to report the use of prescription or over-the-counter drugs which have disabling effects or otherwise affect the employee's fitness for duty while at work or failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

### **Employee Responsibility**

The District expects and requires the support of all employees in meeting its commitment to providing a drug- and alcohol-free work environment. An employee who observes or has knowledge of another employee in a condition which impairs their ability to perform their job duties or who poses a serious hazard to the safety and welfare of others, must report the information to their immediate supervisor, the employee's supervisor, the Director of Human Resources and Risk Management or the Drug and Alcohol Program Administrator.

### **Workplace Drug Related Convictions**

In accordance with the Drug Free Workplace Act of 1988, the District requires all District employees to report, in writing, to the District, any criminal conviction for a violation of a criminal drug statute occurring in the workplace no later than five days after the conviction. Within ten (10) calendar days of receiving notification of the conviction the District will provide written notification to its federal contracting agencies

Under its own authority, the District may subject employees convicted of workplace drug-related crimes to disciplinary action up to and including suspension and/or discharge. Any disciplinary action will be imposed within 30 days of the District being notified of the conviction.

Employees convicted of workplace drug-related crimes may be required by the District to participate satisfactorily in a drug abuse assistance or rehabilitation program.

### **Right to Inspection**

When the District has reasonable suspicion to believe an employee is in possession of prohibited controlled substances and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. Employees shall have no reasonable expectation of privacy under these circumstances. The District will have at least one witness present when conducting an inspection of an employee or the employee's personal property, clothing, or personal vehicle. Under its own authority, the District may subject employees who refuse to submit to such an inspection to disciplinary action, up to and including suspension and/or discharge. The District reserves the right to search District property (i.e. desks, file cabinets, lockers) at any time, and employees shall have no reasonable expectation of privacy with respect to District property.

### **Training**

In accordance with FTA regulations, all employees who perform a safety-sensitive function will be required to attend a minimum of one hour of training regarding the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the manifestations and behavioral cues that may indicate prohibited drug use. In addition, the District will require all employees who perform a safety-sensitive function to attend training regarding the District's Drug and Alcohol Policy and its testing program.

In accordance with FTA regulations, all supervisors who are responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will be required to attend a minimum of two hours of training regarding the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.

Under its own authority, the District may require or permit all employees to attend training or educational programs regarding drug and/or alcohol abuse.

### **Testing**

As mandated by Federal regulations and authorized by the FTA, applicants for employment in a safety-sensitive position, employees requesting transfer into a safety-sensitive position, and employees in a position that requires the performance of a safety-sensitive function are required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up testing) as a condition of employment with the District. The Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," prescribes the testing methods that will be used, and such testing shall also be consistent with applicable State law.

Under District authority, all other safety-sensitive employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, and return to duty testing) as a condition of employment with the District. Non-safety-sensitive employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing. Testing methods comparable to the testing methods prescribed in the Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," will be used, and such testing shall also be consistent with applicable State law.

All drug and alcohol testing will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS), the DOT, and State law. All drug and alcohol testing that is conducted under District authority will also be conducted in a manner which assures a high degree of accuracy and reliability by using techniques, chain of custody procedures, and equipment and laboratory facilities which are the same as or comparable to those approved by the U.S. Department of Health and Human Services (DHHS), the DOT, and State law.

All drug and alcohol testing will be conducted in an environment that affords the maximum privacy practicable for the employee being tested. The District will strictly adhere to all standards of confidentiality, maintaining the confidentiality of the employee throughout the drug and/or alcohol testing process.

Except as otherwise stated by this policy, the District will be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

Any safety-sensitive applicant/employee with a dilute negative test result (creatinine level  $\geq 5$  mg/dL) will be directed by the Drug and Alcohol Program Manager to undergo an immediate second unobserved test.

### **Types of Testing**

#### **Pre-employment:**

As authorized by the FTA, all applicants who have been selected for employment in a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive position. In addition, current employees who are being transferred or promoted into a safety-sensitive position from a non-safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive function. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, all applicants who have been conditionally selected for employment in a safety-sensitive position pending the outcome of a drug test and employees who have been selected to be promoted into a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being hired or assigned to the position. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, failure to obtain a verified negative test result on a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position. An applicant who has failed a pre-employment drug test will be advised of resources available to evaluate and resolve problems associated with drug abuse, including the names addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. Unless otherwise provided by law, an applicant who has failed a pre-employment drug test will be ineligible to submit another application for employment with the District for a period of 6 months.

Under FTA authority, applicants who have previously refused or tested non-negative for a DOT-required drug and/or alcohol test need to submit documentation supporting their completion of an Substance Abuse Professional (SAP)-approved treatment and return-to-duty/follow-up program.

An existing safety-sensitive employee who has not performed a safety-sensitive function for 90 consecutive calendar days is required by FTA regulations to submit to a pre-employment urine drug test and obtain a negative result prior to the reassignment of safety-sensitive duties.

#### **Reasonable Suspicion:**

As authorized by the FTA, employees who perform a safety-sensitive function will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited controlled substance or alcohol. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

Under District authority, all other District employees will be required to submit to urine testing for controlled substances and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a controlled substance or alcohol.

The determination to require a reasonable suspicion drug and/or alcohol test will be made by a supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse. The determination will be based on the supervisor's or manager's specific observations including, but not limited to, the employee's appearance, behavior, speech, body odor of the employee, bizarre behavior in the workplace, a substantial reduction in productivity, repeated tardiness or absences, or behavior which causes an on-the-job injury or causes substantial damage to property.

Whenever possible, the determination to require a reasonable suspicion drug and/or alcohol test should be made by the employee's supervisor or manager. If the employee's supervisor or manager is not immediately available, the determination to require a reasonable suspicion drug and/or alcohol test may be made by another supervisor or manager within the employee's department, a supervisor or manager in another department, or by the Drug and Alcohol Program Administrator.

When an employee has been notified that he/she will be required to submit to reasonable suspicion drug and/or alcohol testing, he/she must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

**Post-accident:**

As authorized by the FTA, drug and alcohol testing is required of all employees who perform a safety sensitive function who are involved in an accident, as defined by FTA regulations, where there is a loss of life. In other nonfatal accidents, drug and alcohol testing is required of employees who perform a safety sensitive function unless the employees' performance can be completely discounted as a causative or contributing factor.

FTA regulations define an accident as an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, or
- One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

An occurrence associated with the operation of a vehicle means that the accident is directly related to the manner in which the driver applied the brake, accelerated, turned the steering wheel, or operated its lift. Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated.

Following a fatal accident, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and alcohol testing. All safety-sensitive employees not on the vehicle whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, also will be tested.

Following a nonfatal accident, each safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and/or alcohol testing unless the District determines, using the best available information at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Employees not on the vehicle, whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will be subject to drug and alcohol testing unless their behavior can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be performed as soon as possible following an accident. Drug tests will be performed within 32 hours following the accident. Alcohol tests should be performed within two hours following the accident and will be performed within eight hours following the accident. If the employee to be tested was injured in the accident, the requirement to test for drugs and/or alcohol should not delay necessary medical attention, and testing may be administered simultaneously with the employee receiving necessary medical attention.

Any safety-sensitive employee involved in an accident must remain readily available for drug and/or alcohol testing for up to eight hours after the accident. The employee is responsible for notifying the District of his or her location if he or she leaves the scene of the accident prior to submitting to testing. Failure by the employee to remain readily available may be determined to be a refusal to submit to testing.

When an employee has been notified that they will be required to submit to post-accident drug and/or alcohol testing, they must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident drug and alcohol tests required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes. If the District is unable to perform the required FTA tests (i.e., the employee is unconscious, or detained by a law enforcement agency), the District may use the results of a blood or urine test for the use of prohibited drugs and/or the

results of a blood or breath test for the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the test, to meet the testing requirements of the Federal regulations and this policy, provided such tests conform to the applicable Federal, State, or local testing requirements, and that the results of the tests are obtained by the District.

**Random:**

As authorized by the FTA and State law, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing.

The District will comply with the random selection rate established by the FTA for safety sensitive employees as outlined in 49 CFR Part 655. All employees subject to random selection will have an equal chance of being selected for testing and will remain in the random selection pool even after being tested. The selection method shall be made by scientifically valid methodology and shall be spread reasonably throughout the time safety-sensitive functions are performed.

Employees who are subject to random testing will remain subject to random testing throughout their work shift. If an employee is initially notified that they have been selected for random testing prior to the end of their work shift, the test(s) must be completed, even when such completion has the incidental effect of causing the employee to stay overtime. When an employee has been notified that they have been selected for testing, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

**Return to Duty:**

As authorized by the FTA and State law, all employees who perform a safety-sensitive function and who have previously had a verified positive drug test, an alcohol test result of 0.04 or greater, a refusal to test, or engaged in any activity that violates the FTA regulations, must submit to and receive a verified negative test result on a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02 prior to resuming performance of safety-sensitive duties. Return-to-duty testing will not be conducted until after the SAP determines that the employee has completed all education and treatment recommended by the SAP. The FTA requires that return to duty tests be an observed collection.

The District, under its own authority, may require employees returning to work from a positive drug and/or alcohol test to undergo a physical evaluation, by a physician of the District's choice and to pass a return to duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02, prior to returning to work.



**Follow-up:**

In accordance with FTA regulations, a safety-sensitive employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up drug and/or alcohol testing for a least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty. The FTA requires that follow up tests be an observed collection.

Under District authority, an employee who has been permitted to return to duty, following voluntary treatment for a drug and/or alcohol problem may be required to submit to follow-up drug and/or alcohol testing.

When an employee is notified to submit to a follow-up test, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Follow-up testing is separate from and in addition to all other testing that is conducted as part of the drug and alcohol testing program. If a follow-up test is cancelled, the employee is required to submit to an additional test.

**Pre-duty Alcohol Use:**

In accordance with FTA regulations, all safety sensitive employees are prohibited from using alcohol within 4 hours of performing a safety-sensitive function. A safety-sensitive employee who is requested to report for duty less than four hours prior to the requested report time must inform the District if they have consumed alcohol within four hours of the requested report time.

If an on-call safety-sensitive employee informs the District of their use of alcohol and claims they have the ability to safely perform their safety-sensitive function, the employee will be allowed to submit to a breath alcohol test. If the employee's breath alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

**Blind Performance Testing:**

In accordance with FTA regulations, the District will ensure that ongoing blind sample proficiency testing is conducted, using blind quality control specimens that are not distinguishable from covered employee specimens, as a quality assurance measure of the testing laboratory.

**Drug Testing Procedures**

In accordance with FTA regulations and State law, drug and alcohol testing procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Final Guidelines, and the provisions set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Final Rule, and Oregon State law.... A copy of 49 CFR Part 40 is available in the Human Resources and Risk Management Department.

Urine Drug testing will be conducted for:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

**Observed Collections:**

In accordance with FTA regulations, with regards to a drug test conducted for a safety-sensitive employee, in the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

- The employee has presented a urine sample that falls outside the normal temperature range ( 90.0 to 100.0),
- The collector observes conduct or materials that clearly indicate an attempt to substitute or adulterate the sample.

In the following circumstances, the MRO will direct the District to require the employee to be subject to an immediate retest under direct observation:

- The laboratory was reported that the specimen was invalid and the MRO has determined that there was not an adequate medical explanation for the result,
- If a specimen has a creatine level of greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL,
- The MRO had to cancel a test when the primary specimen was verified as positive, adulterated, or substituted because the split was unavailable for testing.

If an employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulation as a return-to-duty or follow-up test, the collection is required to be observed. District may authorize an observed collection.

In accordance with Federal regulations, the direct observation of specimen collection must be by a collection site person of the same gender as the employee being tested. employees having observed collections must be instructed to raise clothing, just above the navel; lower clothing, to mid-thigh; then turn around to show the same gender observers they do not have prosthetic devices for beating the tests. If no device is detected, the employee is permitted to return clothing to its proper observed-collection position. Then the observed collection will take place.

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#### **Return to Duty after Specimen Collection**

Under District authority, a safety-sensitive employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the employee is also subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

Under District authority, a safety-sensitive employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified negative test result.

Under District authority, a non-safety-sensitive employee who is required to submit to a reasonable suspicion drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

**The Role of the Medical Review Officer (MRO)**

For safety-sensitive employee testing, an MRO is required to verify positive test results and facilitate the split sample process. An MRO is defined by the FTA as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders. The MRO shall communicate all verified positive test results to the employee and to the District.

### **Drug Test Results**

All drug test results will be reported by the testing laboratory to a qualified MRO designated by the District. The MRO will be responsible for verifying and validating drug test results. The MRO will review and interpret the employee's confirmed positive drug test result by reviewing the individual's medical history and affording the employee an opportunity to offer any clarifying information that would explain a positive test result. The MRO will report each verified test result to the District and will notify each employee who has a verified positive test result. The MRO may verify a test as positive without having communicated directly with the employee if: the employee expressly declines the opportunity to discuss the test; neither the MRO nor the District has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory; or the District has contacted the employee and directed the employee to contact the MRO and more than five days have passed since the date the employee was contacted by the District.

### **Positive Drug Test Results**

An employee who has a verified positive drug test result will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge. A "verified positive drug test" means an initial positive result which has been validated by a second confirmatory positive drug test.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO or the District, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. The employee will not be responsible for paying the cost of the split sample testing prior to the test being conducted. However, the District reserves the right to seek reimbursement from the employee. The request by an employee for an analysis of the split specimen will not delay the removal of the employee from their safety-sensitive position. If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the employee will be returned to duty and will be compensated for time or benefits lost as a result of being placed on an unpaid leave of absence.

### **Breath Alcohol Testing Procedures**

All breath specimen collection must be collected through the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol tests will be conducted by a trained breath alcohol technician (BAT) at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable. Prior to specimen collection, the employee and the BAT must complete, date, and

sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen.

The BAT will conduct an initial screening test, requiring the employee to blow forcefully into a disposable mouthpiece, attached to the EBT, for at least six seconds or until an adequate amount of breath has been obtained. Following the initial screening test, the BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial screening test. The employee must remain in the presence of the BAT during the waiting period. The confirmation test will be conducted using the same procedures as the initial screening test. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test is to conduct the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation test are not identical, the confirmation test result will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT and the employee will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested. The BAT will be responsible for transmitting all test results to the District in a confidential manner.

If an employee attempts and fails to provide an adequate amount of breath, the BAT will note this on the alcohol testing form and notify the District. The employee will be required to submit to a medical evaluation, by a physician of the District's choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

#### **Breath Alcohol Test Results**

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

Under District authority a confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy.

As required by the FTA, if the results of the breath alcohol test are 0.02 or greater, but less than 0.04, the employee will not be permitted to return to duty until the start of his/her next regularly

scheduled shift and not less than eight hours following the test. Under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

As required by the FTA, if the results of the breath alcohol test are 0.04 or greater, the employee will be immediately removed from his/her safety-sensitive position, advised of the resources available to evaluate and resolve problems associated with alcohol misuse, and be evaluated by an SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee with a breath alcohol concentration level of 0.02 or greater will be provided transportation to his/her residence. If the employee insists on driving, law enforcement will be notified.

#### **Refusal to Submit to a Test**

In accordance with FTA regulations and State law an employee who is determined to have a test refusal will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

A determination of an employee's test refusal includes the following:

- Refusal to take the test
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
- Failure to undergo a medical examination or evaluation as directed by the MRO.
- The MRO reports a verified adulterated or substituted test result.
- Not reporting to the collection site in the time allotted
- Failure to remain at the collection site until the collection process has been completed. An applicant who leaves the collection site prior to the commencement of the collection process will not be deemed to have a test refusal.
- Failure to permit direct observation or monitoring of the provision of a specimen for a drug test, when a direct observation or monitoring is required.

- Failure or decline to take a second test when directed by the collector or the District.
- Not cooperating with the collection process (e.g. refuse to empty pockets when so directed or behaving in a confrontational manner that disrupts the collection process).
- Refusal to sign the certification at Step 2 of the Alcohol Testing Form.
- Leaving the scene of an accident without authorization before the tests have been conducted

### **Discipline**

Compliance with the District's Drug and Alcohol Policy is a condition of employment for all employees. For employees who are represented by ATU 757, a violation of any part of the District's Drug and Alcohol Policy will result in discipline as provided in Article 24 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy will result in discipline, up to and including suspension and/or discharge. Factors which the District may consider regarding the severity of disciplinary action include, but are not necessarily limited to, the covered employee's conduct which prompted the application of this policy, the covered employee's work record, the degree of impairment, the potential for consequences arising from the covered employee's actions, and the drug and/or alcohol test results.

Employees who are discharged as a result of violating this Drug and Alcohol policy will be provided with a list of the resources available in evaluating and resolving problems associated with the use of illicit drugs and/or misuse of alcohol and will have access to the District's current EAP. Access to the EAP program will be limited to treatment directly related to the drug and/or alcohol problem, and is available for a time period not to exceed sixty days.

### **The Role of the Substance Abuse Professional (SAP)**

A SAP is a professional who can determine what assistance, if any, an individual needs in resolving problems associated with prohibited drug use and/or alcohol misuse. The evaluation will consist of a clinical assessment, treatment recommendations, and referrals, as appropriate. The SAP will inform the District, in writing, of the clinical-assessment-based treatment recommendations, which must be complied with. In addition, the SAP will specify the duration and frequency of follow-up drug and/or alcohol tests. The SAP's evaluations, assessment, treatment recommendations, referrals and follow-up testing recommendations will be in accordance with 49 CFR Part 40.



**Required Treatment**

If the SAP determines that an employee has successfully demonstrated compliance with the education and treatment required by the SAP but not completed the full regimen of education and treatment (e.g. ongoing out-patient treatment) the employee may be eligible to return-to duty.

Work absences for the continued education and treatment required by the SAP may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. If sick leave and personal medical leave have been exhausted, the employee may be placed on a medical leave of absence without pay.

If the District is notified by the SAP that the employee is not complying with the on-going education and treatment requirements, the employee will be immediately removed from his/her safety-sensitive position. Under District authority, the employee will be placed on an unpaid leave of absence and may be subject to discipline, up to and including suspension and/or discharge.

### **Working Conditions**

The presence or treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other District instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. Employees remain responsible for their on-the-job conduct and work performance.

### **Return to Work Agreement**

Under District authority, employees who have a verified positive drug test, have a confirmed breath alcohol concentration level of 0.04 or greater, or who are referred to drug and/or alcohol treatment which requires them to be away from work, will be required to sign a return to work agreement prior to being permitted to return to duty. The agreement may include, but is not limited to the following requirements:

- A release to work statement from an approved treatment specialist
- A negative test for drugs and/or alcohol
- An agreement to follow-up testing
- A statement of expected work-related behaviors
- An agreement to follow specified aftercare requirements
- An expressed understanding that violation of the return to work agreement may result in discipline, up to and including suspension and/or discharge

The return to work agreement is not a guarantee of continued employment. Employees working under a return to work agreement must also follow all other District policies and procedures.

### **Confidentiality**

The District will maintain all records regarding the drug and/or alcohol testing of employees in a secure manner so that the disclosure of information to unauthorized

persons does not occur. In Accordance with FTA regulations, drug and/or alcohol test results will be released only under the following circumstances:

- Upon written request, employees will be provided access and/or copies of any records relating to his/her test(s).
- Upon specific, written request of an employee, information and/or copies of records regarding an employee's test results will be released to a third party.
- When requested information related to a test result may be disclosed to a decision maker in a lawsuit, grievance, or other proceeding, initiated by or on behalf of the employee tested.
- Upon receipt of an order of a court of competent jurisdiction for criminal or civil action resulting from an employee's performance of safety-sensitive duties, test results will be released to the decision maker in the proceeding with the binding stipulation that the decision maker will make it available only to parties to the proceeding.
- Upon request of DOT agency representatives all drug and alcohol program records that are required by 49CFR Part 40 and DOT agency regulations will be provided to the agency representatives.

#### **Program Administration**

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator, listed in the appendix Additional information regarding this policy or the program is available by contacting the Drug and Alcohol Program Administrator, in the Human Resources Department at (541) 682-6182. All records will be maintained in accordance with 49 CFR Parts 40 and 655.

#### **MAINTENANCE**

The Director of Human Resources and Risk Management is responsible for monitoring the application and revision of this policy.

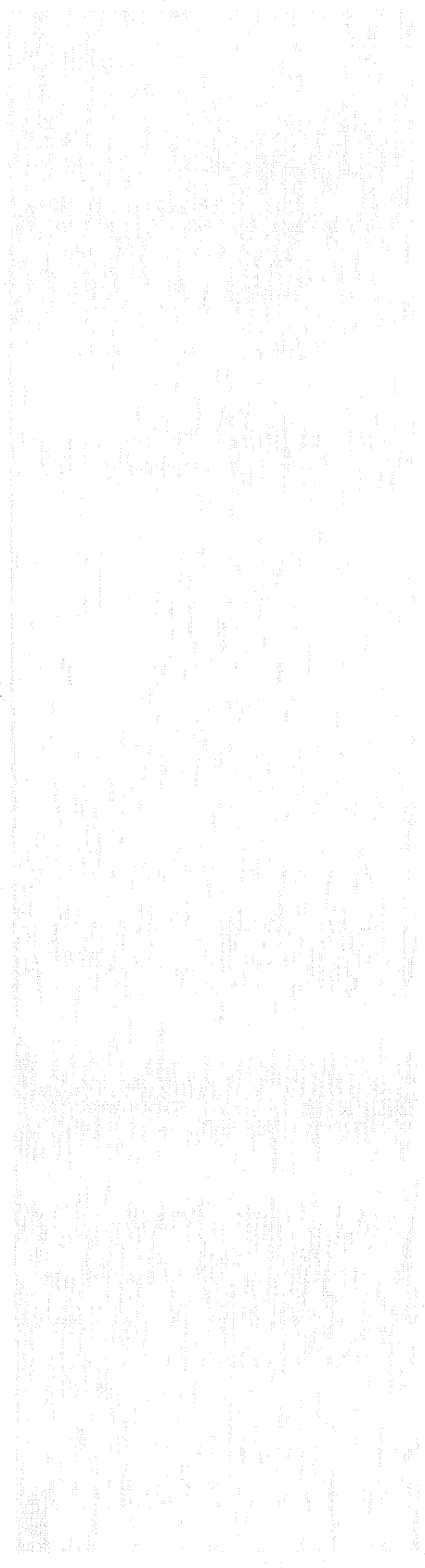
Adopted by the Board of Directors, September 20, 1995.

Revised: February 16, 2000

Revised: October 20, 2004

Revised: March 19, 2008

Revised: May 21, 2008



**APPENDIXES**

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions

## APPENDIX A

### Terms and Definitions

**Alcohol** As defined by the FTA, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

As agreed upon by the District and the Amalgamated Transit Union, Local 757, alcohol means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

**Alcohol Use** The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**Blind Sample** A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from covered employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

**Breath Alcohol Technician (BAT)** An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

**Chain of Custody** Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

**Controlled Substance** As agreed upon by the District and the Amalgamated Transit Union, Local 757, controlled substance means any drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.940, 475.950, and 475.955. In addition, manufactured drugs recognized by health and law enforcement agencies that are not included in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035 are considered to be controlled substances.

**Medical Review Officer** A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

**Over-The-Counter-Drugs/Medications** Those drugs/medications which are legally available without a prescription.

**Performing a Safety-Sensitive Function** An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

**Prescription Drugs/Medications** Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

**Safety-Sensitive Function** Any of the following duties:

- Operating a revenue service vehicle, including when not in revenue service
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License
- Controlling dispatch or movement of a revenue service vehicle
- Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

**Safety-sensitive Position** A position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions at Lane Transit District, as defined by the Federal regulations, is attached to this policy.

**Substance Abuse Professional** A licensed physician (medical doctor or doctor of osteopathy); or a licensed or certified psychologist, social worker, employee assistance professional; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse); with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

## APPENDIX B

### Safety-Sensitive Positions

Employees in the following positions are required to perform safety-sensitive functions as defined in the Federal Drug and Alcohol regulations:

- Bus Operator
- Director of Maintenance
- Director of Transit Operations
- Equipment Detail Technician
- Eugene Station/Security Manager
- Facilities Maintenance Generalist
- Facilities Maintenance Laborer
- Facilities Maintenance Specialist
- Facilities Maintenance Supervisor
- Fleet Services Supervisor
- General Service Worker
- Journeyman Mechanic
- Journeyman Tire Specialist
- Scheduling Specialist
- Transit Operations Supervisor
- Transit Services Manager

Other employees who hold a valid CDL and drive a revenue service vehicle off company premises.



## AGENDA ITEM SUMMARY

**DATE OF MEETING:** July 30, 2008

**ITEM TITLE:** ANNOUNCEMENTS AND ADDITIONS TO AGENDA

**PREPARED BY:** Jeanne Schapper, Administrative Services Manager/Clerk of the Board

**ACTION REQUESTED:** None

**BACKGROUND:** This agenda item provides a formal opportunity for Board members to make announcements or to suggest topics for current or future Board meetings.

**ATTACHMENT:** None

**PROPOSED MOTION:** None

## AGENDA ITEM SUMMARY

**DATE OF MEETING:** July 30, 2008

**ITEM TITLE:** CONSENT CALENDAR

**PREPARED BY:** Jeanne Schapper, Administrative Services Manager/Clerk of the Board

**ACTION REQUESTED:** Approval of Consent Calendar Items

**BACKGROUND:** Issues that can be explained clearly in the written materials for each meeting, and that are not expected to draw public testimony or controversy, are included in the Consent Calendar for approval as a group. Board members can remove any items from the Consent Calendar for discussion before the Consent Calendar is approved each month.

The Consent Calendar for July 30, 2008:

*Approval of revised LTD Drug & Alcohol Program*

**ATTACHMENTS:** *Lane Transit District Drug & Alcohol Program (included as an Addendum to the Board Packet)*

**PROPOSED MOTION:** I move that the Board adopt the following resolution:

LTD Resolution No. 2008-031: It is hereby resolved that the Consent Calendar for July 30, 2008, is approved as presented.



Lane Transit District  
P. O. Box 7070  
Eugene, Oregon 97401

(541) 682-6100  
Fax: (541) 682-6111

## CONSENT CALENDAR ITEM

### *DRUG AND ALCOHOL PROGRAM*

Prepared by David Collier, Senior Human Resources Analyst  
July 30, 2008

On September 20, 1995, the LTD Board of Directors adopted Lane Transit District's *Drug and Alcohol Program*. Since that time, the Board has adopted four revisions to the *LTD Drug and Alcohol Program*--the most recent being May 2008.

The LTD Board of Directors is being asked to approve the revised *Drug and Alcohol Program*.

**Background:** The U.S. Department of Transportation (DOT) revised 49 CFR Part 40 in a *Federal Register*, published June 25, 2008. The part 40 amendments are effective August 25, 2008.

Some urine collection procedures were changed, making it more difficult to beat the DOT drug tests. The DOT Urine Specimen Collection Guidelines have been updated to reflect changes to the collection process. The new Guidelines are also effective August 25, 2008.

The Department changed the observed collection procedures because there is ample evidence suggesting that more and more devices are available in the market place that are designed to tamper with specimens (for example, devices expressly designed to bring "clean" urine into collections so that specimens would test negative). Many of these devices were designed to be undetected even if specimens were observed using the old procedures.

**Attachments:** The *LTD Drug and Alcohol Program*, showing the revisions that are being recommended, is being distributed to the Board under separate cover. It can be reviewed upon request by any member of the public.

**Staff Recommendation:** Staff recommends that the Board adopt the attached *Lane Transit District Drug and Alcohol Program* as part of the Consent Calendar for July 30, 2008.

**Consequences of Recommended Action:** The revised *Drug and Alcohol Program* will make LTD current under state and federal law.

## **Possible November 2008 LTD Property Tax Election Summary of Requirements and Costs and Options**

### **Boundary:**

The current LTD boundary is not in a format that can be used for the election. A fairly minor adjustment is necessary to meet the requirements for the Lane County Elections Division. A more complicated and expensive process is necessary to meet the requirements for the Oregon Department of Revenue and Lane County Assessment and Taxation (A&T). The boundary change for the election must, of course, be completed prior to placing the measure on the ballot. The boundary changes for A&T must be completed prior to March 31 of the year that the tax goes into effect. Therefore, a decision to proceed with that change can be made the election.

LTD has authorized Lane Council of Governments to proceed with the boundary reformatting required to place a measure on the ballot. This work, which costs approximately \$2,400, must be started now to meet the election deadline. Even if the Board ultimately decides not to proceed with the election this fall, this work would be necessary for a future election.

### **Required Costs:**

- Elections Cost: \$43,000 to \$71,000 (depending on other measures on the ballot)
- Boundary reformatting: \$2,400

### **Discretionary Costs:**

LTD can provide information about the ballot measure to the public as long the information does not try to persuade voters to vote in a certain manner. It is estimated that an informational campaign would cost approximately \$30,000. This would include a mailing to voters as well as some level of print and radio advertising.

### **Permanent Rate Limitation vs. Local Option Tax:**

Since LTD has not levied a property tax, it has the opportunity to request a permanent rate limit. Another option is to request a Local Option Tax, which, if used for operations, can be levied for up to five years. The permanent rate is expressed in dollars per thousand of assessed value (such as \$0.40 per \$1,000 of assessed value). Local option taxes are generally levied as a dollar amount.

### **Compression:**

Compression occurs when the total property tax imposed in a community exceeds the limits that were set by Measure 5 (approved in 1990). In that situation, taxes would be reduced to meet the legal limit. Local option taxes would be the first taxes to be reduced. It appears that only the City of Veneta is experiencing compression at this time.

### **Rate Example:**

It is estimated that there is approximately \$25 billion of assessed property value within the LTD service area, with some portion that is not subject to property taxes. If 10 percent of the property is tax exempt, a rate of \$.22 per \$1,000 of assessed value would generate approximately \$5 million per year.

Q:\Reference\Board Packet\2008\07\Special Mtg 07-30-08\Election summary (2).doc

## **DRAFT - Campaign Roles**

### **Campaign Chairperson**

Coordinate all campaign activity  
Primary spokesperson for media

### **Fundraising Coordinator**

Raise funds  
Manage "thank you" letters

### **Endorsement Coordinator**

Individuals - elected officials, community leaders  
Groups - business, environmental, disabled, ethnic, seniors

### **Outreach Coordinator**

Coordinate speakers for debates and forums

### **Volunteer Coordinator**

Recruit volunteers via phone  
Manage database of volunteers  
E-mail and telephone volunteers for events

### **Consultant**

Recommend strategy  
Manage budget  
Implement decisions made chair + coordinators  
Purchase advertising

<b>DRAFT - Campaign Budget (PAC Expenses)</b>		
<b>VOTER CONTACT</b>	<b>Slim Budget</b>	<b>Mid Budget</b>
Radio Advertising (4 weeks, reach 59% adults, rock / sports / country)	\$26,300	\$26,300
Radio Consulting + Production	\$1,000	\$1,000
Bus Advertising Inside/Outside (reach 25% or 50% of population per day)	\$9,800	\$16,600
40¢)	\$0	\$20,000
TV Advertising	\$0	\$0
TV Production	\$0	\$0
Campaign Web Site	\$0	\$1,000
Lawn Signs	\$0	\$0
Newspaper Advertising (small-town papers)	\$0	\$5,000
<b>MISC.</b>		
Consultant (including day-to-day coordinator)	\$10,000	\$12,500
PAC and treasurer fees	\$2,000	\$2,000
Misc.	\$2,000	\$2,000
<b>TOTAL</b>	<b>\$51,100</b>	<b>\$86,400</b>

<b>Mail Counts</b>	<b>Public Info Households (LTD all households list)</b>	<b>Campaign Households with a registered voter</b>	<b>Campaign Voter Counts per Lane County Elections</b>
Eugene	91,494	50,879	87,386
Springfield	31,257	16,739	26,228
Veneta	3805	1,161	2,039
Junction City	5,346	1,433	2,482
Coburg	5,128	375	641
Cottage Grove	8121	2,727	4,504
Creswell	4,340	1,306	2,247
Dexter	1,014	2,004	3,717
Pleasant Hill	1143	300	0
Lowell	675	798	1,423
Blue River	368	884	1,446
Vida & Walterville	919	1,228	3,341
	<b>153,610</b>	<b>79,834</b>	<b>135,454</b>

## AGENDA ITEM SUMMARY

- DATE OF MEETING:** July 30, 2008
- ITEM TITLE:** SECOND READING AND ADOPTION OF SIXTEENTH AMENDED FARE ORDINANCE NUMBER 35
- PREPARED BY:** Andy Vobora, Director of Service Planning, Accessibility, and Marketing
- ACTION REQUESTED:** Conduct a public hearing followed by the second reading and adoption of Sixteenth Amended Ordinance No. 35, an Ordinance Setting Fares for Use of District Services.
- BACKGROUND:** Following a public open house on June 18, 2008, to discuss changes to the fare structure, the Board directed staff to modify the proposed fare changes and retain the sale of discounted three-month passes. On July 16, 2008, a public hearing was held. The first reading of the ordinance was repeated at that meeting in order to address the omission of the token category listing in the ordinance. All prior recommendations were supported by the Board. The attached Sixteenth Amended LTD Ordinance No. 35 reflects Board direction, and staff recommend the following changes to the District fare structure:
- Increase the adult monthly pass price from \$38 to \$45.
  - Increase the adult three-month pass price from \$103 to \$122.
  - Increase the youth and EZ Access half-fare monthly pass price from \$19 to \$22.50.
  - Increase the youth and EZ Access half-fare three-month pass price from \$51.50 to \$61.
  - Eliminate the sale of bus tokens to the general public.
  - Eliminate the Holiday Taxi Reimbursement Program.
  - Increase the Breeze fare to regular fare prices.
  - Modify the adult age category to include anyone ages 19 through 64.
- Fare changes must be implemented by ordinance. The first such ordinance, Ordinance No. 35, was adopted in June 1992. This will be the Sixteenth Amendment to Ordinance No. 35. The first reading of Sixteenth Amended Ordinance No. 35 was held on June 18, 2008. This will be the second reading, and staff request adoption of the ordinance.



Sixteenth Amended Ordinance No. 35 will be adopted by an emergency adoption process. The emergency process allows for implementation of the fare changes prior to the September 2008 sales period. The emergency adoption process also requires that the ordinance be read in its entirety. Staff will have additional copies of the ordinance available for anyone in the audience who desires a copy.

**CONSEQUENCES OF REQUESTED ACTION:**

A copy of Sixteenth Amended Ordinance No. 35 will be filed with the County Clerk and made available for public inspection. Implementation of adopted changes will occur as follows:

Effective with the sale of September passes on August 24, 2008:

- Increase the adult monthly pass price from \$38 to \$45.
- Increase the adult three-month pass price from \$103 to \$122.
- Increase the youth and EZ Access half-fare monthly pass price from \$19 to \$22.50.
- Increase the youth and EZ Access half-fare three-month pass price from \$51.50 to \$61.

Effective September 1, 2008:

- Eliminate the sale of bus tokens to the general public.
- Increase the Breeze fare to regular fare prices.
- Modify the adult age category to include anyone ages 19 through 64.

Effective Thanksgiving Day 2008:

- Eliminate the Holiday Taxi Reimbursement Program.

**ATTACHMENTS:**

Sixteenth Amended Ordinance No. 35, an Ordinance Setting Fares for Use of District Services

**PROPOSED MOTION:**

(1) I move that Sixteenth Amended Ordinance No. 35 be read in its entirety.

Following an affirmative vote, the ordinance will be read by staff:

(2) I move the following resolution:

LTD resolution No. 2008-029: Be it resolved that the LTD Board of Directors hereby adopts Lane Transit District Sixteenth Amended Ordinance No. 35, an Ordinance Setting Fares for Use of District Services.

## AGENDA ITEM SUMMARY

**DATE OF MEETING:** July 30, 2008

**ITEM TITLE:** POSSIBLE NOVEMBER 2008 TAX MEASURE

**PREPARED BY:** Stefano Viggiano, Assistant General Manager

**ACTION REQUESTED:** Direction to Staff

**BACKGROUND:** At the Board meeting on July 16, 2008, the Board discussed options to provide additional transit operating revenue. The Board directed staff to research a possible ad valorem property tax measure for inclusion on the November 2008 ballot. At tonight's meeting, staff will provide information on the feasibility and cost of putting a measure on the ballot this fall. This meeting is also an opportunity for the board and staff to share feedback received in discussions with community members about the possible tax measure.

Staff seek direction from the Board as to whether or not to prepare for Board action to put the measure on the ballot. Should the Board wish to pursue a ballot measure, the Board would need to pass a resolution to that effect on or before the Board meeting scheduled for August 20, 2008.

Consultants Chris Shultz and Linda Lynch will attend the meeting and participate in the discussion.

**ATTACHMENT:** None

**PROPOSED MOTION:** None