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**LANE TRANSIT DISTRICT  
BOARD OF DIRECTORS  
HUMAN RESOURCES COMMITTEE**

**March 15, 1999  
12:00 p.m.**

**LTD CONFERENCE ROOM  
3500 E. 17<sup>th</sup> Avenue, Eugene  
(off Glenwood Blvd.)**

*Public testimony will not be heard at this meeting*

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**AGENDA**

Page No.

- I. CALL TO ORDER
- II. ROLL CALL  
Bennett (Chair) \_\_\_\_\_ Kortge \_\_\_\_\_ Wylie \_\_\_\_\_
- III. GENERAL MANAGER'S 1998-99 AND 1999-2000  
COMPENSATION
- IV. GENERAL MANAGER SUCCESSION PLAN
- V. EMPLOYEE ASSOCIATION PROPOSAL
- VI. ADJOURNMENT

## **LANE TRANSIT DISTRICT DRUG AND ALCOHOL POLICY**

### **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 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. 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. A breath alcohol concentration level of 0.02 or greater, or a verified positive result 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 State law. Employees may possess or exchange alcohol 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 654, "Prevention of Alcohol Misuse in Transit Operations," 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 653, "Prevention of Prohibited Drug Use in Transit Operations," 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, that 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, Access Employee Assistance Program (344-6929 or 1-800-922-7009).

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 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 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, has an assertive responsibility to report the information to their immediate supervisor, the employee's supervisor, the Human Resources Manager 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. 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 improper possession of drugs and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. 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.

### **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.

Under District authority, all other employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, and return to duty testing) as a condition of employment with the District. 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.

All drug and alcohol testing that is authorized by the FTA regulations 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) and the DOT. 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) and the DOT.

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.

## **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 and pass urine testing for drugs prior to being hired for 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 and pass urine testing for drugs prior to performing any safety-sensitive function.

Under District authority, all applicants who have been selected for employment in a non-safety-sensitive position and employees who have been selected to be promoted into a position with an increased level of responsibility must submit to and pass urine testing for drugs prior to being hired or assigned to the position.

Failure of a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position. A verified positive result on a drug test or the inability to provide an adequate specimen for a pre-employment drug is considered to be a failure of the drug test. The applicant will not be eligible for a referral to the District's Medical Review Officer (MRO) for a medical evaluation to determine if the inability to provide an adequate specimen is for a valid medical reason. An applicant who has failed a pre-employment drug test will not be eligible for evaluation by the District's Substance Abuse Professional (SAP). 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.

### **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 drug or has misused alcohol.

Under District authority, all other District employees 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 drug or has misused 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 concerning the appearance, behavior, speech, or body odor of the employee and concurrence by a second supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse.

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

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, will also 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 2 hours following the accident and will be performed within 8 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 rest room 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. 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, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing. District positions that require the performance of a safety sensitive function are listed in Appendix B of this policy. In addition, employees in other positions, not listed in Appendix B, who perform a safety-sensitive function will be subject to random testing as authorized by the FTA.

Under District authority, employees in the following positions will also be subject to random and unannounced drug and/or alcohol testing: general manager, assistant

general manager, human resources manager, and human resources specialist (drug and alcohol program administrator).

The random selection rate will be the rate determined by the FTA and published in the Federal Register. 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 pool for random drug and/or alcohol testing of employees who perform a safety-sensitive function will be separate from the selection pool for employees subject to random drug and/or alcohol testing under District authority.

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.

#### **Return to Duty:**

As authorized by the FTA, 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, have refused to submit to a test, or engaged in any activity that violates the FTA regulations, must 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 being permitted to return to duty.

The District, under its own authority, may require employees returning to work from a leave of absence, illness, or layoff of a duration of more than 180 days, or from a voluntary drug and /or alcohol treatment program 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.

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 the regular random testing program.

### **On-Call employees:**

In accordance with FTA regulations, any safety-sensitive employee who is requested to report for duty when he or she is not regularly scheduled to work is considered an on-call safety-sensitive employee. An on-call 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 breathe alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

An on-call safety-sensitive employee who informs the District of their use of alcohol and fails the breath alcohol test will not be permitted to report for duty and will not be considered to be in violation of this policy. If an on-call safety-sensitive employee does not inform the District of his/her use of alcohol and exhibits signs of alcohol misuse, they may be subject to reasonable suspicion testing. If the test indicates a breath alcohol concentration level of 0.02 or greater, the employee will be in violation of this policy.

A regularly scheduled employee or an employee who is given more than four hours notice of the requirement to report for duty must not consume alcohol four hours prior to performing a safety-sensitive function. The option of claiming ability to perform a safety-sensitive function and being tested to prove the ability does not apply.

### **Blind Performance Testing:**

In accordance with FTA regulations, the District will conduct ongoing blind sample proficiency testing, 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, drug testing will be conducted using laboratory testing of urine specimens for the following drugs:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

All urine specimens will be collected at a collection site, designated by the District, which meets the guidelines established by the Department of Transportation. The collection site personnel will be responsible for maintaining the integrity of the specimen collection and transfer process and for protecting the dignity and privacy of the employee providing the sample.

In accordance with FTA regulations, all drug tests for employees who perform a safety-sensitive function will follow chain of custody procedures, using DOT urine custody and control forms, throughout the collection and analysis process to ensure that test results will be attributed to the correct employee. The DOT "Urine Custody and Control Form" documents the chain of custody and is legal evidence that the reported test results apply to the donor.

All drug tests conducted under District authority for all other employees will follow chain of custody procedures, using non-DOT urine custody and control forms, throughout the collection and analysis process to ensure that test results will be attributed to the correct employee. The non-DOT "Urine Custody and Control Form" documents the chain of custody and is legal evidence that the reported test results apply to the donor.

The employee will be required to urinate into a collection cup or specimen bottle, supplied by the collection site, providing at least 45 milliliters of urine.

The collection site personnel will be responsible for recording the temperature of the specimen and obtaining the body temperature of the donor employee if the temperature of the specimen is not between 90.5 and 99.8. In addition, the collection site technician will visually examine the specimen for any unusual color or sediment and note the results on the custody and control form.

Collection site personnel will also be responsible for separating the specimen, in the presence of the employee, into two specimen bottles. One bottle shall contain thirty (30) ml of urine and will be used as the primary specimen. The second bottle shall contain at least fifteen (15) ml of urine and shall be used as the split specimen.

Both bottles must be sealed and labeled in the presence of the donor employee. The labels must be printed with the same specimen identification number as the custody and control form. The donor employee will initial the labels verifying that the specimen is his/hers.

If the employee is unable to provide at least 45 ml of urine for a split specimen collection, the specimen shall be discarded. The collection site personnel shall direct the employee to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the employee has provided a new urine specimen, whichever occurs first. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the District will be notified that the employee has refused to submit to testing. If the employee is unable to provide an adequate specimen within three hours of the first unsuccessful attempt to provide a specimen, the testing will be discontinued and the District will be notified. The District will refer the employee to a physician approved by the District for a medical evaluation regarding the employee's ability to provide an adequate amount of urine. The physician will provide to the MRO a brief written report setting forth his/her conclusion and the basis for it. Upon receipt of this report, the MRO shall report to the District in writing his/her conclusion determining whether the employee's inability to provide a specimen is due to the employee's medical condition or constitutes a refusal to submit to a drug test.

**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 (90.5 to 99.8), and
- The employee declines to provide a measurement of oral body temperature, or
- Oral body temperature varies by more than 1 C/1.8 F from the temperature of the specimen, or
- Collection site personnel observe conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

A supervisor of the collection site person or a representative of the District will review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. Collection site personnel will notify the District of the decision to conduct an observed collection.

In the following circumstances, with regards to drug test conducted for a safety-sensitive employee, as permitted by the Federal regulations, the District may authorize an observed collection:

- The most recent urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 g/l, or
- The 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.

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.

### **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 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.

### **Drug Testing Laboratories**

All drug testing will be completed in a laboratory certified by the Department of Health and Human Services (DHHS). Immunoassay screening will be used as the initial test for the testing of the primary specimen. If any prohibited drug registers above the cutoff level, as designated in the Federal regulations, a confirmation test using gas chromatography/mass spectrometry (GC/MS) will be conducted.

### **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. The employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and under District authority may be subject to discipline, up to and including suspension and/or discharge.

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 split specimen will be analyzed, using GC/MS technology, to determine the presence, or absence, of the drug(s) for which a positive result was obtained in the test of the primary sample, without regard to the cutoff levels specified in the Federal regulations for analysis of the primary sample. The employee will be responsible for paying the cost of the split sample testing.

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 MRO will cancel the test, and report the cancellation and the reasons for it to the District, the employee, and the DOT. 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.

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.

### **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.

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

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. The employee may be subject to discipline, up to and including suspension and/or discharge.

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. 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**

Any employee who refuses to submit to a drug or alcohol test must be evaluated by a SAP. An employee who refuses to submit to a drug or alcohol test 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 refusal to submit to a test 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
- Tampering with or attempting to adulterate the specimen or collection procedure
- Not reporting to the collection site in the time allotted
- Not cooperating with the collection process
- Leaving the scene of an accident without a valid reason 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 may result in discipline as provided in Article 20 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy may 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.

### **Required Treatment**

In the event that an employee is referred for treatment by an SAP, the employee may be required to satisfactorily complete an approved drug or alcohol treatment program and aftercare as a condition of continuing employment.

Work absences for treatment purposes 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. Employees working under an agreement that they satisfactorily complete an approved program of drug and/or alcohol dependency treatment will be required to submit to follow-up drug and/or alcohol testing to verify continued abstinence from drugs and/or alcohol for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty.

### **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 test positive on a 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.
- 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.

### **Program Administration**

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator, the Human Resources Specialist. 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)682-6180.

### **MAINTENANCE**

The Human Resources Manager is responsible for monitoring the application and revision of this policy.

Adopted by the Board of Directors, September 20, 1995.  
Revised, February 16, 2000

## APPENDIXES

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions

## APPENDIX A

**LANE TRANSIT DISTRICT  
DRUG AND ALCOHOL POLICY****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 Positions** 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

**LANE TRANSIT DISTRICT  
DRUG AND ALCOHOL POLICY**

**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  
Field Supervisor  
Fleet Services Manager  
Fleet Services Supervisor  
General Service Worker  
Inside Bus Cleaner  
Journeyman Mechanic  
Risk & Safety Specialist  
System Supervisor  
Tire Specialist  
Transit Operations Manager  
Transit Projects Administrator  
Transit Services Administrator

## AGENDA ITEM SUMMARY

**DATE OF MEETING:** February 16, 2000

**ITEM TITLE:** DRUG & ALCOHOL PROGRAM POLICY

**PREPARED BY:** Joyce Ziemplak, Human Resources Specialist

**ACTION REQUESTED:** Adoption of Drug and Alcohol Program Policy

**BACKGROUND:** The Board adopted the District's current Drug and Alcohol Policy (Drug and Alcohol Testing), III-I-B, in September 1995 and the Drug/Alcohol Policy (Drug-Free Work Place), III-I-A, in October 1983. The proposed Drug and Alcohol Program Policy replaces both of these policies, addressing corrective actions that were specified in the Draft Report of the FY 1999 Triennial Review, incorporating changes in and interpretations of federal regulations regarding Drug and Alcohol Testing and Drug Free Workplace programs. The adoption of this comprehensive drug and alcohol program policy will:

- ❑ Clarify that this policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District
- ❑ Differentiate the requirements of the FTA's drug and alcohol regulations from optional provisions that are included in this policy
- ❑ Clarify that all District employees are subject to pre-employment, reasonable suspicion, and return-to-duty drug and alcohol testing, and change the testing procedures for non-safety-sensitive employees to be comparable to DOT testing procedures
- ❑ Clarify who has the authority to require an employee to submit to a reasonable suspicion drug and alcohol test
- ❑ Amend the section regarding post-accident drug and alcohol testing to reflect an amendment to the federal regulations allowing the District to 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

- Amend the section regarding drug testing procedures to reflect an amendment to the federal regulations allowing employees who are unable to provide the required amount of urine for a split specimen collection to drink up to 40 ounces of fluid, distributed reasonably though a period of up to three hours
- Specify the circumstances that must exist in order for drug and/or alcohol test results to be released
- Identify the person responsible for responding to questions regarding the District's drug- and alcohol-free program
- Amend the definition of Substance Abuse Professional in Attachment A of the Policy to reflect an amendment to the federal regulations professionals who are certified by the International Certification Reciprocity Consortium/ Alcohol & Other Drug Abuse
- Update Attachment B of the Policy to reflect current job titles
- Assure compliance with the draft Triennial Review recommendations

**ATTACHMENT:** Drug and Alcohol Program Policy

**PROPOSED MOTION:** I move the following resolution: It is hereby resolved that the LTD Board of Directors adopts the proposed Drug and Alcohol Program Policy, replacing policies III-I-A, Drug-Free Work Place, and III-I-B, Drug and Alcohol Testing, as presented on February 16, 2000.

### Employee Association Proposal

<b>Benefit</b>	<b>Before</b>	<b>Projected After</b>	<b>Result</b>
<b>Retirement</b>			
<i>Defined Benefit</i>	60-65% Replacement goal	75% Replacement goal	Improvement
<i>Employee Account</i>	After tax contributions	3% pretax contributions 3% Employer match	Improvement
<i>Death Benefit</i>	None unless 55	Accrued benefit payable and employee account	Improvement
<i>Pension COLA</i>	Trustee's Allocate	Trustees Allocate	No change
<i>Retirement Age</i>	Age 62	Age 60	Improvement
<i>Early Retirement</i>	6% for each early	3% for age 58 and 59 and 8% for under Age 58 to 55.	Improvement
<i>MRA/EIB</i>	EIB conversion at retirement (some tax problems)	EIB converted to interested earning account (no tax problems)	Improvement
<b>Life Insurance</b>	2 times annual salary as benefit (with taxes paid by employees)	\$50,000 Benefit (no taxes) employees able to purchase group life term policy	Reduction
<b>Long Term Disability</b>	70% salary replacement until age 65	60% salary replacement until 65	Reduction
<b>Supplemental Benefit</b>	\$800 per year	Eliminated	Reduction
<b>Salaries</b>	N/A	Increase salaries July 1, 1999 – 3%	Improvement

H:\Board Packet\1999\03\HR Committee\Employee Association Proposal.doc

## AGENDA ITEM SUMMARY – HR COMMITTEE

**DATE OF MEETING:** March 15, 1999

**ITEM TITLE:** EMPLOYEE ASSOCIATION PROPOSAL

**PREPARED BY:** David Dickman, Human Resources Manager

**ACTION REQUESTED:** None at this time

**BACKGROUND:** A discussion of this item will be held during the committee meeting. Background materials will be distributed at the meeting. A second Human Resources Committee meeting should be scheduled to discuss this item prior to the April 21, 1999, regular Board meeting.

**ATTACHMENT:** None

**PROPOSED MOTION:** None

## AGENDA ITEM SUMMARY

**DATE OF MEETING:** February 16, 2000

**ITEM TITLE:** RESOLUTION ESTABLISHING PROCEDURES TO REQUIRE, PROCESS, AND MANAGE CRIMINAL RECORDS CHECKS FOR CERTAIN INDIVIDUALS EMPLOYED BY OR WORKING UNDER CONTRACT WITH LANE TRANSIT DISTRICT

**PREPARED BY:** David Dickman, Human Resources Manager

**ACTION REQUESTED:** Adoption of recommended resolution

**BACKGROUND:** Senate Bill 1334 requires the Board to adopt a resolution to implement applicable provisions of a law enacted in 1999 that affords mass transit and transportation districts access to State Police and FBI criminal history information and requires districts to check criminal histories of operators in order to protect vulnerable Oregonians. This resolution complies with Senate Bill 1334. The resolution directs the general manager or her/his designee to consult with the State Police and affected provider groups as provided for by Senate Bill 1334, and delegates specific authority to the general manager in order to retain the flexibility to make appropriate changes to the District's internal administrative policies as appear warranted. The General Guidelines for Determining Fitness for Employment contained in the resolution are based on those in the administrative rules of the Mental Health and Development Disability Services Division (MHDDSD) of the Oregon Department of Human Services, and the provisions of Senate Bill 1334.

Senate Bill 1334 became effective on October 23, 1999. It was enacted during the 1999 regular session of the Oregon Legislative Assembly to protect vulnerable Oregonians, including children, the elderly, individuals with disabilities, and clients eligible for the State of Oregon's Office of Medical Assistance Programs (OMAP) by requiring more careful screening of individuals providing transportation to them. Senate Bill 1334 requires criminal records checks and fingerprinting of individuals who operate motor vehicles for the public transportation system of and who are employed by mass transit districts or transportation districts, or who provide transit service under a contract with OMAP. In order to comply with Oregon law, transit operators hired by the District since October 1, 1999, have been employed conditionally pending a criminal records background check authorized by the attached resolution.

Senate Bill 1334 requires the Board to approve a resolution that implements applicable provisions of the new law. The Board's discretion in this regard is very limited. The proposed resolution does provide general guidelines and authorizes the general manager to adopt, and to modify periodically, the District's internal policies that the general manager is directed by this resolution to adopt in accordance with the requirements of Oregon law. Changes in the procedures may evolve based on future experience or input from the Oregon State Police or affected provider groups.

The accompanying resolution meets the requirements of Senate Bill 1334, which specifies legislative action that must be taken by the Board. The delegation of authority by resolution to the general manager provides flexibility that will be needed in light of future experiences to adapt the scope, definitions, procedures, and processes relating to criminal records checks and fingerprints and maintaining a system of criminal history records. The policies and procedures and changes related thereto will be based on consultation with the State Police, other governmental entities, and affected provider groups. The District's legal counsel for employment matters recommends approval of the resolution.

Following Board adoption of the recommended resolution, the general manager, in consultation with the Human Resources Manager, employment counsel, and the Oregon State Police, will adopt specific policies implementing the resolution and Senate Bill 1334.

**ATTACHMENT:**

**To be handed out at the February 16, 2000, Board meeting:**

Resolution Establishing Procedures to Require, Process, and Manage Criminal Records Checks for Certain Individuals Employed By or Working Under Contract with Lane Transit District.

**PROPOSED MOTION:**

I move that the Lane Transit District Board of Directors adopt the Resolution Establishing Procedures to Require, Process, and Manage Criminal Records Checks for Certain Individuals Employed By or Working Under Contract with Lane Transit District.



# LTD General Manager Succession Plan Discussion Overview

March 1999

*The plan envisions the selection process being completed by March 31, 2000.*

## **Phase One**

- ◆ Board appoints itself the GM Search Committee.
- ◆ Board appoints an ad hoc Search Steering Committee, which has delegated authority to act on behalf of the Board in pursuit of the plan.
- ◆ Projected budget is a “not-to-exceed budget” contained in the special projects line item of the Human Resources Department.

## **Phase Two**

- ◆ The Board solicits community input concerning the desired qualities of the next GM.
- ◆ Community input meetings provide an opportunity to showcase LTD and share the vision of the future.
- ◆ Stakeholder input is intended to be structured, invitational, and well organized in order to facilitate the most effective means of receiving feedback.
- ◆ Upon receiving the feedback, the Board synthesizes the feedback in discussion and finalizes attributes for the next GM.
- ◆ The Board appoints a community advisory group composed of key leaders to consult and involve.

## **Phase Three**

- ◆ The Ad Hoc Steering Committee appoints an executive search firm to assist the Board.
- ◆ The search firm recommends a number of finalists (determined by the Board) for review by the Ad Hoc Steering Committee.
- ◆ The Ad Hoc Steering Committee recommends a number of finalists (determined by the Board) for review by the entire Board and ultimate selection of the next GM.

## AGENDA ITEM SUMMARY – HR COMMITTEE

**DATE OF MEETING:** March 15, 1999

**ITEM TITLE:** GENERAL MANAGER'S 1998-99 AND 1999-2000 COMPENSATION

**PREPARED BY:** David Dickman, Human Resources Manager

**ACTION REQUESTED:** Recommendation to Board

**BACKGROUND:** The Board of Directors has not addressed the general manager's salary for several years. In 1998, the general manager's salary was not given the cost of living adjustment afforded other administrative employees. In 1997-1998, when all other administrative positions were studied for compensation, the general manager's compensation was not addressed. The human resources manager, in preparation for the search for a replacement general manager, studied the compensation of the general manager and has concluded that the compensation is not competitive.

The Board of Directors typically has conducted employment and performance evaluations of the general manager in conjunction with salary determinations. The Board may, at their discretion, wish to do this with regard to matters presented in this agenda item.

The human resources manager recommends that the general manager's compensation be adjusted as set forth below:

**Effective July 1, 1998**

- 1998-1999 salary increase to \$91,000
- 1998-1999 salary adjustment of 1.7 percent (action results in final 1998-1999 salary of \$92,547)
- These changes to be made retroactively

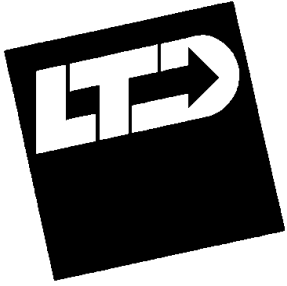
**Effective July 1, 1999**

- 1999-2000 Salary Increase to \$98,500
- Adjust compensation the same amount as administrative employees effective July 1, 1999

**ATTACHMENTS:**

- (1) Economic Research Institute Salary Assessor findings
- (2) Chief Officer study of compensation, by City of Springfield
- (3) Employment Agreement

**MOTION;** I move that the Board Human Resources Committee approve the staff recommendation for the general manager's compensation for action by the full Board of Directors.



**Lane Transit District**  
**Proposed Plan**  
**General Manager Succession**

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**March 15, 1999**

**DRAFT**

## Background

On June 30, 2000, Lane Transit District will undergo a leadership change that has not occurred for 21 years – literally a generation ago. LTD has enjoyed a continuity of leadership that has been a stabilizing influence while still progressively advancing the mission of the District. The result has been mature and visionary decision-making and an organization that is anything but stagnant. By this date next year, the Board of Directors may have selected a new general manager and the operational leadership will begin a transition to a new era for Lane Transit District. It is the view of the Board of Directors, the staff and employees, and indeed the entire community of stakeholders of Lane Transit District that we have some very large shoes to fill with the retirement of General Manager Phyllis Loobey. The success and accomplishments of Lane Transit District in becoming a nationally recognized leader of public transit can, in large measure, be attributed to the leadership and drive of General Manager Loobey.

The process of replacing this general manager is one that requires a national-level search and incorporates broad community participation to the greatest extent possible. In addition, this plan must meet an expected timetable in order to provide that a replacement is in place by July 1, 2000. Because top-quality candidates require time to transition (resigning current positions and relocating), the Board of Directors' plan envisions that a decision be made to finalize its selection no later than March 31, 2000. This will provide the greatest possible transitional information exchange possible, as we move from one general manager to the next. This succession plan is designed to meet these important values.

## Phase One – Plan Establishment and Process

**Period: March 1999 Board Meeting**

During the March meeting of the Board of Directors, this Succession Plan will be reviewed, modified (if necessary), and adopted. The elements of this phase include:

### **Board Action**

The Board of Directors shall establish itself as the General Manager Search Committee (a committee of the whole).

- ◆ General Manager Search Process Steering Committee: The Board will appoint an ad hoc Board committee charged with carrying out elements of the succession plan. The current general manager shall be appointed as a non-voting, ex-officio member of the Search Process Steering Committee. The human resources manager will staff the activities of the search process.
- ◆ The Board of Directors will assign the general manager to delegate various other administrative responsibilities for executing and securing the success of the plan.
- ◆ The Board will review and comment on a preliminary proposed budget for transition, to ensure inclusion in the FY 1999-2000 LTD budget.

Project Budget (contained in the Human Resources Department budget):

**\$100,000**    *The expenses listed below are estimates and not-to-exceed costs.*

35,000    Search Firm Consulting Costs

15,000    Supplemental Advertising Costs

20,000    Various travel expenses for candidates and consultants

5,000    Legal costs – contract review

2,500    Stakeholder involvement

15,000    Relocation expenses

7,500    Miscellaneous

- ◆ The Board will issue a press release announcing the adoption of the Succession Plan and intent of the Board to gather community input.

## **Phase Two – Information Gathering and Stakeholder Input**

**Period:        March through May 1999**

The Board of Directors understands the importance that this position holds with regard to the stakeholders of the District. The Board also is interested in gathering information from stakeholders who can assist the Board in its process of selecting a new general manager.

The Process Steering Committee will, therefore, hold a number of information-gathering meetings. The Plan identifies six meetings, but the Steering Committee may hold additional meetings as it determines are necessary. The Process Steering Committee will report to the General Manager Search Committee its activities in pursuit of this Plan. The elements of

Phase Two are to be concluded and reported to the Board by the May 1999 Business Meeting of the Board of Directors of Lane Transit District. The elements of Phase Two include:

**Board Action Needed**

During the April 1999 meeting of the Board of Directors, the Board will adopt a motion to issue a Request for Proposal for an Executive Search Firm, to be carried out by the human resources manager of the District.

**Ad hoc Subcommittee Action Needed**

- ◆ Stakeholder information-gathering meetings with employees of Lane Transit District. This may take the form of several different meetings based upon employee sub-grouping (i.e., ATU and Employee Association employees).
- ◆ Stakeholder information-gathering meeting with representatives of the Chambers of Commerce and District taxpayers.
- ◆ Stakeholder information-gathering meeting with representatives of local units of government.
- ◆ Stakeholder information-gathering meeting with the District Management Team.
- ◆ General Manager Search Process Steering Committee will review and issue the Search Firm Request for Proposals and Qualifications.

**Period: May and June 1999**

The staff to the Search Committee will provide data, drafts, and resources to assist the Board during its work in May and June (facilitated by David Dickman, District Human Resources Manager and Susan Philips, Board Strategic Plan and Organizational Development Consultant). The meeting of the Search Committee during the May and June work sessions of the Board of Directors should accomplish the following tasks:

**Board Work Session Tasks:**

- ◆ Receive a report from the Process Steering Committee on the stakeholder input process.
- ◆ Possibly select a firm during the May meeting of the Board of Directors.

The following tasks can be accomplished in a special facilitated workshop (suggested by consultant Susan Philips) staffed by Human Resources Manager David Dickman:

- ◆ Identify the desired qualifications, experience, and qualities being sought by the Board of Directors.
- ◆ Review, revise, and approve a Job Description for the General Manager.
- ◆ Consider and establish the criteria and principles important to the Board for the selection of a new general manager (such as compensation, benefits, and ancillary personnel costs).

**General Manager Search Process Steering Committee actions needed:**

- ◆ Identify and contact key community business leaders to serve on the Community Executive Advisory Committee.



## **Phase Three – Candidate Search**

**Period: July 1999 through September 1999**

The Board of Directors (Search Committee), having received much input and having defined the requirements of the new general manager, will now be in a position to meet with their selected executive search firm and the human resources manager to commence the process of recruitment. The Board will need to finalize some arrangements with the exiting general manager. The Board of Directors (Search Committee) also will further integrate the community into the search process by appointing a Community Executive Advisory Committee. In this phase, the District and the search firm will identify a pool of candidates, narrow the field, and commence review of finalists.

**Period: June 1999**

The Human Resources Committee of the Board of Directors, assisted by the human resources manager (as needed) and the Board's Counsel, will negotiate the final contract between General Manager Phyllis Loobey and Lane Transit District.

- ◆ Review and adopt a new Personal Services Contract for General Manager Loobey.
- ◆ Meet with the representatives of the executive search firm and review the process to date and the information gathered thus far by the Board, and set the expectations of the search.

**Period: July 1999**

**Board Action Needed:**

- ◆ The Board of Directors will appoint the Community Executive Advisory Committee. The Board will appoint the Chair of the Search Process Steering Committee to the Community Executive Advisory Panel (and any other Board members who have an interest).
- ◆ The Board will continue its review of stakeholder input to date.
- ◆ The Board will formally delegate and authorize the General Manager Search Process Steering Committee and the human resources manager to negotiate the new general manager's contract following selection by the Board of Directors.

**General Manager Action Needed:**

- ◆ On July 1, 1999, General Manager Phyllis Loobey will submit a written and irrevocable notice of intent to resign and retire from her position, effective June 30, 2000, to the President of the Board of Directors.

**Board Action Needed:**

- ◆ The Board will accept the resignation for the indicated effective date.
- ◆ The Board will issue a press announcement concerning the pending retirement of the District general manager. The Board will highlight for the press the community involvement undertaken to this point.

- ◆ The Board will publicly announce the search for a replacement of the general manager and direct open recruitment for the position.
- ◆ The Board of Directors will meet with the Community Executive Advisory Committee to review community input to date, receive information from the Community Executive Advisory Committee, and solicit their further recommendations.

**Period: August 1999**

Executive Search Consultants continue their search.

**Period: September 1999**

The executive search firm will narrow the applications to a number agreed upon by the Board of Directors. The Community Executive Advisory Committee will provide input to the Search Committee regarding the selected candidates. The Search Committee will review the candidates from the executive search firm with the comments from the Community Executive Advisory Committee and narrow the field to a set of finalists. The finalists will be determined in Executive Session of the Board of Directors in the September 1999 meeting of the Board of Directors.

## AGENDA ITEM SUMMARY – HR COMMITTEE

**DATE OF MEETING:** March 15, 1999

**ITEM TITLE:** GENERAL MANAGER SUCCESSION PLAN

**PREPARED BY:** David Dickman, Human Resources Manager

**ACTION REQUESTED:** Recommendation to Board

**BACKGROUND:** Consultant Susan Philips, Human Resources Manager David Dickman, and General Manager Phyllis Loobey assisted in the development of the attached draft succession plan. With the pending retirement of the current general manager, Lane Transit District must begin an orderly transition to new executive leadership. The attached plan envisions a process of broad stakeholder input, the services of an executive search firm, and the active involvement of the Board of Directors.

The attached plan is Part One of the Succession Plan and takes LTD to the point of narrowing the field of potential candidates. Part two will be presented for future consideration by the committee and the Board of Directors.

**RESULTS OF RECOMMENDED ACTION:**

A written and verbal recommendation will be presented to the Board of Directors on March 17, 1999, for deliberation and decision.

**ATTACHMENT:** Draft Succession Plan

**MOTION:** I move that the Board HR Committee approve the proposed Draft General Manager Succession Plan for review by the full Board of Directors.



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## **BOARD HUMAN RESOURCES COMMITTEE RECOMMENDATION TO THE LTD BOARD OF DIRECTORS**

**Rob Bennett, Committee Chair  
March 17, 1999**

### **GENERAL MANAGER COMPENSATION**

#### **Background**

On March 15, 1999, the Board Human Resources Committee met and reviewed the compensation of the general manager. The human resources manager presented information to the Committee to consider, which now is being conveyed to the full Board of Directors.

In 1997-98, the Board of Directors adopted a salary plan for administrative employees that relied heavily upon market information. This resulted in a comprehensive revision of the compensation plan for administrative employees, particularly department managers. Excluded from this study was any review of the general manager's compensation, a matter that appropriately should have been reviewed by the Board concurrently with other manager compensation. The general manager's compensation has not been reviewed since FY 1994-95, other than some, but not all, cost-of-living adjustments provided to administrative employees. As a result, the Committee did receive some information from the human resources manager to consider in making our recommendation.

The Committee was presented projected salary information from a resource known as the Economic Resource Institute (ERI). ERI was founded in 1987 to provide research for private and public organizations concerning compensation. ERI's research database is used by more than 4,000 clients in compensation research and is a significant resource of not easily obtainable private-sector data. The data projected by ERI is a result of simple linear regression modeling derived from data supplied by more than 6,000 wage and salary reports from throughout the United States and covering hundreds of professional organizations and societies. ERI primarily serves private industry (the public sector, IRS, and libraries make up 20 percent of ERI's subscriber base). ERI's salary structure analyses and methods have been in use since 1974.

LTD has subscribed to ERI's Salary Assessor program to assist the Human Resources Department in its direction to bring wages and salaries to market levels. Salary Assessor provides consensus wage and base salary ranges for more than 2,500 positions as compiled from published survey resources. Estimates are adjusted for geographic and industry inputs from LTD. The Human Resources Department provided the report contained in Exhibit 1 as

generated by ERI's Salary Assessor. The Committee found the information contained in the ERI report to be the best available acceptable private-sector information for consideration.

In addition, the Committee received information from the human resources manager that was provided to him by the human resources manager of the City of Springfield (Exhibit 2). This exhibit indicates that the general manager's compensation is not comparable with the majority of public-sector chief administrative officials in Lane County. This is particularly evident when considering the additional compensation made available to these administrators beyond salary alone. The Committee found this information compelling.

A final consideration is the pending search for a replacement general manager. In order to recruit high-caliber talent for the future leadership of Lane Transit District, the compensation must be attractive and competitive.

The discussion by the Committee supported the recommendations of the human resources manager as being reasonable and prudent. The Committee agreed that a private-sector business of 325 employees and revenues of \$20 million likely would be compensating at levels higher than suggested by the human resources manager. The Committee unanimously supports the following recommendation and asks for adoption by the Lane Transit District Board of Directors.

### **Board Human Resources Committee Recommendation**

The Board Human Resources Committee recommends that the general manager's compensation be adjusted as set forth below:

#### **Effective July 1, 1998**

- 1998-1999 base salary increase to \$91,000
- 1998-1999 base salary adjustment of 1.7 percent (action results in final 1998-1999 base salary of \$92,547)
- These changes to be made retroactively

#### **Effective July 1, 1999**

- 1999-2000 base salary increase to \$98,500
- Adjust base salary the same amount as administrative employees effective July 1, 1999

### **Attachments**

- Chief Officer Study of Compensation by City of Springfield (Exhibit 1)
- Economic Research Institute Salary Assessor Findings (Exhibit 2)
- Amended Employment Agreement with General Manager

### **Proposed Motion**

I move the following resolution: It is hereby resolved that the LTD Board of Directors adjusts the general manager's compensation for Fiscal Years 1998-1999 and 1999-2000 as set forth below:

#### **Effective July 1, 1998**

- 1998-1999 base salary increase to \$91,000
- 1998-1999 base salary adjustment of 1.7 percent (action results in final 1998-1999 base salary of \$92,547)
- These changes to be made retroactively

#### **Effective July 1, 1999**

- 1999-2000 base salary increase to \$98,500
- Adjust base salary the same amount as administrative employees effective July 1, 1999

and, furthermore, that the Board reaffirms its employment agreement with the current general manager, with the inclusion of the recommended compensation changes.

### **GENERAL MANAGER SUCCESSION PLAN**

The Committee also discussed a proposed General Manager Succession Plan, which was delivered to all Board members for their information before the March 15 Human Resources Committee meeting. The Human Resources Committee would like to hear comments of a general nature about the plan from the other Board members. The Committee will meet again on April 12 to discuss the plan and formulate a recommendation for the full Board to consider on April 21, 1999.