

ATTACHMENT F

This Attachment F is reserved for future material and is not applicable to the Agreement in force during the period of January 1, 2007 to December 31, 2011.

ATTACHMENT G

Drug and Alcohol Testing Agreement

Safety Sensitive

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Non-Safety Sensitive

**CHICAGO TRANSIT AUTHORITY
DRUG AND ALCOHOL POLICY
AND TESTING PROGRAM
FOR NON-SAFETY SENSITIVE EMPLOYEES**

Effective January 1, 1995

Amended January 1, 2002

I. OVERVIEW

In a document styled “Chicago Transit Authority Drug and Alcohol Policy and Testing Program for Safety Sensitive Employees” (“the FTA Policy”), the Chicago Transit Authority (“the Authority”) set forth a drug and alcohol policy and testing program developed to comply with the requirements of recently enacted federal laws and regulations promulgated by the Federal Transit Administration (“FTA”) and the Department of Transportation (“DOT”). As required by the FTA and the DOT, the FTA Policy was limited in its application to only those employees of the Authority engaged in the performance of safety-sensitive functions. This document sets forth the drug and alcohol policies and testing programs mandated by the Authority, but not required by the FTA or the DOT for employees of the Authority who do not perform safety-sensitive functions. This document has been adopted by the Chicago Transit Authority Board of Directors pursuant to resolution.

In adopting this policy and program, the Authority does not otherwise waive its right to enforce already established rules, policies, or programs, or the terms and provisions of any applicable collective bargaining agreement governing drug and alcohol use or possession that are not inconsistent with this policy. Moreover, this document is intended to be read consistent with and subject to any otherwise applicable law or regulation presently in effect or which in the future may take effect. If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

II. INTRODUCTION

A. Policy and Program Purposes

The Authority performs a vital service for the public. To ensure that this service is delivered safely, efficiently, and effectively, each employee of the Authority has the responsibility to perform his/her duties in a safe, conscientious, and courteous manner.

The purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace and to reduce the probability of accidents or incidents related to the use and/or misuse of alcohol and other drugs by employees so that the Authority’s services are delivered safely, efficiently, and effectively.

This policy outlines four principles as a means to achieve the Authority’s goal of providing a workplace free from the effects of drug and alcohol use and/or misuse for its employees. The first principle emphasizes deterrence from the use of drugs and alcohol in or affecting the workplace. The Authority will make education and training available for all employees regarding the effects of substance abuse on individuals and on the workplace. Supervisors and managers will receive specialized training in detection, early intervention, and enforcement.

The second principle is treatment and rehabilitation. The Authority maintains an Employee Assistance Program ("EAP") to assist employees with personal problems, including those surrounding the misuse of drugs and alcohol. The Authority supports rehabilitation before an employee's job is in jeopardy. Although employees are encouraged to receive help for drug and alcohol problems, participation in the Authority's EAP will not excuse an employee's failure to comply with the rules and regulations of the Authority. Nor will it preclude discipline for rule or policy violations.

The third principle is detection. Toward this end, the Authority employs six (6) drug and/or alcohol tests in the following circumstances: pre-employment, reasonable suspicion, post-accident, based upon a physician's objective medical judgment, return to duty, and to satisfy EAP requirements. The foregoing drug and alcohol test policy will apply to all full-time, part-time, seasonal, and temporary employees of the Authority not otherwise engaged in the performance of safety-sensitive functions. It also applies to applicants for positions of employment not otherwise involving the performance of safety-sensitive functions.

The fourth principle is enforcement, which is essential if deterrence, rehabilitation, and detection are to be successful. All employees must be fit for duty as defined within this policy. Accordingly, the manufacture, distribution, dispensing, possession, or use of a drug or controlled substance contrary to the terms of this policy, and the use or possession of intoxicants contrary to the terms of this policy are prohibited.

B. Employee and Management Responsibilities

All employees of the Authority covered by this policy are required to refrain from using drugs and alcohol contrary to the specific prohibitions identified herein. The Authority's Vice President, Human Resources (or a designated representative) will monitor Department practices to ensure compliance with and answer any questions concerning the information presented in this policy.

Employees are responsible for ensuring adherence to this policy. Managers and supervisors will be held accountable for both the application of the policy and the consistency of its enforcement. To that end, the Authority prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, age, sex, religion, national origin and ancestry, sexual orientation, veteran status, or disability.

C. Confidentiality

Confidentiality will be maintained throughout the drug and alcohol screening process. The Authority will maintain records in a manner so that disclosure of information to unauthorized persons does not occur. Additionally, the specimen

collection site, testing laboratory, medical review officer ("MRO"), breath alcohol technician ("BAT"), and substance abuse professional ("SAP") will be held to strict confidentiality requirements consistent with the FTA regulations and specifically the following:

- The testing laboratory: shall maintain employee test records in confidence; shall ensure the security of data transmission and limit access to any data transmission, storage, and retrieval system; will report individual drug test results only to the employee tested, the employer, the designated MRO, or the decision maker, in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test; and unless otherwise instructed by the Authority in writing, shall retain all records pertaining to a given urine specimen for a minimum of two (2) years.
- The MRO, BAT, and SAP will report individual test results only to: the employee tested; the Authority's EAP, if applicable; and the management official of the Authority (or the official's designated agent) empowered to recommend or take administrative action.

The Authority will release individual test results to the employee's Union representative upon written direction by the employee. The Authority will not release individual test results to any other party absent a specific written consent of the employee tested authorizing such release to a specifically identified person(s) except as follows:

- To the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested and arising from a test administered under this policy.
- To the National Transportation Safety Board ("NTSB") about any post-accident test performed for an accident under NTSB investigation.
- When requested by the DOT or any DOT agency with regulatory authority over the Authority or any of its employees.
- To a State oversight agency authorized to oversee rail fixed guideway systems.

EAP personnel will be expected to carry out all actions relative to this policy in a manner which respects the dignity and confidentiality of those involved. EAP records are regarded as confidential medical records and are not available for inspection by anyone except EAP staff absent a written release of information by the employee. EAP personnel will release information to personnel of the Authority only on a need-to-know basis subject to advance notice to the employee. In any case where the employee raises a claim against the Authority involving the quality of

care or services rendered by the EAP, the employee shall be deemed to have waived his/her right to confidentiality and the Authority shall have the right to explore thoroughly and evaluate the employee's participation in the EAP.

A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of prohibited drugs or alcohol, including any records pertaining to his/her drug and alcohol tests. The Authority shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

III. IMPLEMENTATION GUIDELINES FOR PROMOTING A DRUG AND ALCOHOL WORKPLACE

A. Deterrence

1. Fitness for Duty

The Authority has determined that an employee is fit for duty when he/she is able to perform his/her job duties, including when he/she is ready for work or working without the presence of any alcohol or the presence of any specified drugs or their metabolites as prescribed by this policy. Employees must understand that they are responsible for assuring that their job conduct is safe and appropriate.

An employee is "on duty" or "subject to duty" within the meaning of this provision:

- On his/her regularly scheduled days from the time he/she arrives on the property until the time he/she completes his/her work assignments and leaves the property.
- When reporting for a physical examination as a requirement of his/her position of employ.
- When the employee has volunteered or has been assigned extra work on his/her day off or vacation.
- Prior to the start of duty, when told in advance that he/she is expected to be on duty within the next eight (8) hours.

2. Reporting the Use of Prescription or “Over-the-Counter” Medication

All employees are required to report to the Authority the use of prescription drugs and “over-the-counter” medication if the physical, mental, or emotional health of the employee is impaired or becomes impaired or changes significantly through the use of such a prescription drug or “over-the-counter” medication. A physician designated by the Authority will make the determination as to whether there is a possibility that the employee’s performance may be affected or compromised by the employee’s use of any such drug or medication or that the safety of the employee, his/her co-workers, or the public is, or could be, in jeopardy. If it is concluded that there is such a possibility and a reasonable accommodation pursuant to the Americans with Disabilities Act cannot be made, the employee will be considered unfit for duty and will be removed from duty. The employee will remain off duty but only for such a reasonable period of time as is necessary for the employee to be cleared to return to work by an Authority-designated physician. Employees, who fail to report their use of prescription drugs or “over-the-counter” medication in accordance with this section, and subsequently have a confirmed positive drug or alcohol test, are subject to progressive discipline up to and including discharge.

3. Education and Training

The Authority recognizes that education and training of its work force and supervisors are major components of a successful drug and alcohol program. To that extent:

- All employees subject to testing under this policy will be provided a copy.
- The Authority will display and distribute informational material about the effect of drugs along with a community service hotline telephone number to assist employees who may be experiencing problems with prohibited drugs.
- The Authority will distribute informational material about the signs and symptoms of an alcohol problem and the effects of alcohol misuse on an individual’s health, work, and personal life.

In addition to the foregoing, the Authority will consider and implement such other education and training programs as will help promote safety goals, maintain the integrity of the Authority’s drug and alcohol testing program, and enhance the benefits of that program.

B. Treatment and Rehabilitation -- Employee Assistance Program ("EAP")

In order to promote a drug and alcohol-free environment, the Authority will work to assist eligible employees with problems due to the use of drugs or misuse of alcohol. Accordingly, the Authority has established and encourages the use of its Employee Assistance Program ("EAP"). The EAP was established in part so that an employee who recognizes that he/she has a drug use or alcohol misuse problem may have the opportunity to receive treatment and rehabilitation.

The Authority's EAP will assist eligible employees with drug use and alcohol misuse problems, and related concerns, through one or more of the following depending upon the circumstances of each particular case:

- Consultation with supervisors and/or other Authority officials.
- Evaluation and referral.
- Individual and group counseling.
- Individual case management.
- Crisis intervention.
- Specialized education and training programs.

Employees are directed to any pertinent collective bargaining agreement for the terms and provisions of, and restrictions and benefits attendant to, EAP participation. Any questions regarding the Authority's EAP should be referred to the Authority's Vice President, Human Resources (or a designated representative).

C. Effects of Alcohol

Alcohol is the most commonly abused chemical substance in this country and in the workplace. Out of the two-thirds of all Americans who drink, there are an estimated thirteen million people with serious drinking problems. A problem drinker is anyone who frequently drinks to the state of intoxication. While intoxicated, he/she may exhibit behavior that would never occur while sober. Alcohol problems have a devastating impact on family life, health, and the workplace. The family may be subjected to frequent episodes of violence, physical and emotional neglect, and financial problems. Alcohol abuse may cause or exacerbate problems such as diabetes, ulcers, hypertension, and kidney problems. Emotional health is affected as well due to alcohol misuse, presenting symptoms such as depression, anxiety, hallucination, and insomnia. Alcohol abuse in the workplace costs corporate America millions of dollars each year through excessive absenteeism, lack of motivation, and a rise in the use of medical benefits associated with illness caused by alcoholism.

The most effective way to combat alcohol misuse is treatment. Alcohol detoxification rehabilitation is the only method of intervention used to interrupt alcoholism.

IV. PROVISIONS FOR DRUG AND ALCOHOL TESTING

A. General Conditions

1. Persons Subject to Testing

The following persons will be subject to drug and alcohol testing pursuant to the terms of this policy and must participate in this program as a condition of employment:

- All full-time, part-time, seasonal, and temporary employees of the Authority not otherwise engaged in the performance of safety-sensitive functions; and
- Applicants for positions of employment with the Authority not otherwise involving the performance of safety-sensitive functions.

A "safety-sensitive function" means 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 a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security purposes.

Included in the foregoing are supervisors who in fact perform safety-sensitive functions. Supervisors of covered employees who themselves do not perform safety-sensitive functions are excluded and, accordingly, subject to testing under this policy.

2. Drug Rule

All persons covered by this policy are subject to the following rules:

- The use of a controlled substance by Authority employees at any time is prohibited.
- The use or possession of a controlled substance from the time an employee reports for work until the conclusion of the employee's workday or reporting for work in an impaired condition due to the use of the same is prohibited.
- An employee may not have a controlled substance in his/her system from the time of reporting for work until the conclusion of the workday.
- An employee shall not knowingly accept relief from or permit an employee to work who is under the influence of a controlled substance.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on Authority property by any person at any time also is prohibited.

3. Alcohol Rule -- Required Hours of Compliance

a. Alcohol Concentration

All persons covered by this policy are prohibited from reporting to duty or remaining on duty while having an alcohol concentration of 0.05 or greater. No Authority supervisory person having actual knowledge that a covered employee has an alcohol concentration of 0.05 or greater shall permit the employee to work.

b. On Duty Use/Possession

All persons covered by this policy are prohibited from using or possessing intoxicants while on duty. No Authority supervisory person having actual knowledge that a covered employee is using alcohol while on duty shall permit the employee to work or continue to work.

c. Pre-Duty Use

(1) General

All persons covered by this policy are advised against the use of alcohol within four (4) hours prior to reporting for duty.

(2) Employees Required to Report for Call

Employees who are in the work book and required to report for call are subject to the restrictions identified in subparagraphs IV.A.3.a, b, and c(1). Upon receiving a call to report to duty, the following shall apply:

(a) The employee will be allowed to acknowledge the use of alcohol at the time he/she is called to report to duty and the inability to perform his/her assigned work.

(b) The employee must take an alcohol test if the covered employee has acknowledged the use of alcohol but claims ability to perform his/her assigned work.

d. Use Following An Accident

Any person required to take a post-accident alcohol test under this policy is prohibited from using alcohol until he/she undergoes a post-accident test. Such a test shall be concluded no later than eight (8) hours after the accident occurs.

B. Detection

1. Circumstances for Testing

a. Applicants

No applicant for employment will be hired, transitioned, or rehired into a position by the Authority unless the applicant submits to and passes a pre-employment drug and alcohol test. The test will be administered as part of the pre-employment physical examination. If a pre-employment drug or alcohol test is cancelled, the Authority shall require the applicant to submit to and pass another test.

b. Employees

When ordered to do so by the Authority, an employee covered by this policy shall submit to a drug and alcohol test:

- i. In the event of an accident or any other incident involving a possible claim of injury or property damage.
- ii. In the event of an objective observation confirmed by at least two (2) non-bargaining unit supervisory employees that an employee:
 - Is or may be impaired in the performance of his/her duties due to the use of alcohol or is displaying behavior that may be associated with controlled substance use; or
 - Is in possession of alcohol, a controlled substance, narcotics of any kind or associated paraphernalia on Authority property.
- iii. Based upon a physician's objective medical judgment.
- iv. During a return to duty physical examination.
- v. To satisfy EAP requisites.

Any employee who fails to submit to a drug and/or alcohol test when ordered to do so by the Authority under the circumstances set forth above will be considered a rule violator and subject to discipline consistent with the terms of Attachment H of the collective bargaining agreement between the Authority and the Union.

If the Authority orders an employee to submit to a drug and/or alcohol test:

- With respect to Sections IV.B.1.b.i and IV.B.1.b.ii, at least one (1) non-bargaining unit employee shall complete a "Condition of Employee Report," a sample of which is attached hereto as Appendix A.
- With respect to Sections IV.B.1.b.i and IV.B.1.b.ii, the Authority shall make a good faith effort to allow the employee being ordered to submit to the test to have the opportunity to consult with a Union representative before submitting to the test, provided, however, that the failure of the Union representative to be present within thirty (30) minutes after notification to the Union in accordance with the procedure set forth below shall in

no way affect the requirement of submission to the test if any of the conditions set forth in Sections IV.B.1.b.i or IV.B.1.b.ii has been met. With respect to Section IV.B.1.b.iii, the Authority shall allow the employee being ordered to submit to the test a reasonable opportunity to consult with a Union representative before submitting to the test unless the consultation would result in a delay in administering the test.

The Authority shall notify Local 399 that one of its bargaining unit employees is being ordered to submit to testing under this policy as follows:

- Between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, the Authority shall call the Union at the Union office at the following telephone numbers, Local 399 at (312) 372-9870.
- At all other times, the Authority shall call the Union at the telephone number of the Board member at the specific location.

The Union reserves the right to change said notification telephone numbers upon fourteen (14) days advance written notice to the Authority's Vice President of Employee Relations.

Notification to the Union is not necessary if a Union representative is present at the time the request is made, or if a situation exists which reasonably prevents the Authority from notifying the Union. In the event the Authority fails to notify the Union because it claims to have been reasonably prevented from doing so, the burden of showing such shall be on the Authority.

2. Conduct that Constitutes a Refusal to Submit to a Test

The following conduct will be regarded by the Authority as a refusal to submit to a drug and/or alcohol test:

- Refusal, by word or action, to take the test.
- Refusal by an employee to complete and sign the Step 2 portion of the "Breath Alcohol Testing Form".
- Refusal to provide breath, to provide an adequate amount of breath as required by this policy without a valid medical evaluation from a licensed physician, or otherwise to cooperate with a breath alcohol test.
- Refusal to provide a urine sample, or to provide an adequate

amount of urine as required by this policy without a valid medical evaluation from a licensed physician, or otherwise to cooperate with a urine sample drug test.

- Tampering with or attempting to adulterate a test sample or collection procedure.
- Failure to report directly to the collection site for random testing when required to do so.
- Failure by an employee who is subject to post-accident testing to remain readily available for such testing, including notifying his/her supervisor of his/her whereabouts after leaving the scene of the accident prior to submission to the test.
- Falsely calling in sick or claiming to be ill at the time of the test.

V. METHODOLOGY

A. Drug Testing Procedures

1. Collection Site Requirements

All urine specimens will be collected at collection sites designated by the Authority under the supervision of trained, qualified medical/ technical personnel. The restricted collection sites will be secured when not in use or, if this is not possible (e.g., when a public restroom is used), the site will be visually inspected by collection site personnel prior to specimen collection to ensure that unauthorized persons are not present and that there are no unobserved entrance points. The site will provide a privacy enclosure for urination, a toilet, a clean writing surface, and a water source for hand washing. All water sources will be protected against attempts to adulterate the sample by use of a blueing agent or physical barrier.

Collection site personnel are responsible for the integrity of the specimen collection and transfer process and for ensuring the dignity and privacy of the donor. All collection site personnel will be trained to prepare

the collection site, collect specimens, examine specimens for tampering or adulteration, observe collections, split and properly label specimens, and preserve the chain of custody of specimens.

At no time will the direct supervisor of the employee serve as the collection site person for a urine test.

The following supplies will be used at each collection site:

- Single-use collection cups;
- Single-use specimen bottles;
- Single-use temperature measurement devices;
- Urine custody and control forms;
- Tamperproof sealing system;
- Shipping containers;
- Writing instruments (suitable for making permanent markings); and
- Written instructions (for collection site personnel and employees subject to testing).

2. Collection Procedures

The collection room will be inspected before and after each specimen collection and will be secured before and restricted during the collection process. The employee's identity will be verified through the use of an Authority employee identification card, driver's license, or verification by Authority supervisory personnel. The employee will be required to remove any unnecessary outer garments and secure them, along with any personal items (except a wallet) carried with them to the collection site, with the collection site personnel, to be retrieved after the test is completed. Any employee suspected of tampering or attempting to tamper with a specimen will be requested by the collector to empty his/her pockets, display the items, and explain the need for them during the collection.

The employee must rinse his/her hands with water and dry them immediately prior to the test. The collector will unwrap the collection cup or specimen bottle in front of the employee who will then be instructed to urinate into the collection cup or specimen bottle. At least forty-five (45)

milliliters (ml.) (about 1-1/2 ounces) of urine will be collected. In the presence of the donor, the collection site technician will split the original specimen assuring that the primary specimen bottle contains thirty (30) ml. of urine and the second bottle at least fifteen (15) ml. of urine.

If the employee is unable to provide at least forty-five (45) ml. of urine, that specimen will be discarded and the collection site technician will instruct the employee, who must remain at the collection site, to drink up to forty (40) ounces of fluid, distributed reasonably through a period of up to three (3) hours, or until the employee has provided a new urine specimen, whichever occurs first. The container used for the fluids shall be of a volume so as to ensure that the employee is given forty (40) ounces of fluids to drink. Additionally, the collection site technician will provide the employee with the "Collection Protocol for Alcohol/Drug Test Specimens", a copy of which is attached as Appendix B. The employee will then provide a new sample using a fresh collection container. If the employee is still unable to provide an adequate specimen, testing will be discontinued and the employee will be directed to obtain, as soon as possible after the attempted provision of urine, an evaluation from a licensed physician who is acceptable to the Authority concerning the employee's ability to provide an adequate amount of urine. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site technician shall terminate the collection and notify the designated Authority representative(s) that the employee has refused to submit to testing. A refusal to submit to a drug test can be treated as a positive result.

The collection site technician will visually examine the specimen for any unusual color or sediment, note the results on the custody and control form, and, within four (4) minutes of receiving the specimen, record the temperature of the specimen. If the temperature of the specimen is less than ninety (90) degrees Fahrenheit or more than one hundred (100) degrees Fahrenheit (or 32 to 38 degrees Centigrade), the employee supplying the specimen may volunteer to have his/her oral temperature taken to provide evidence to counter the reason to believe the employee may have altered or substituted the specimen. The collection site technician at all times shall carry an instrument for recording a person's oral body temperature. The employee's temperature will be recorded in the appropriate place on the custody and control form.

In the presence of the donor, both bottles will be sealed and labeled (with the same specimen identification number as the custody and control form). After the labels are attached to the specimen bottles, the donor will initial the labels verifying that the specimen is his/hers. The collection site technician and the donor will complete and sign the custody and control form. The collection site technician must: ensure that the donor prints his/her name and signs and dates the certification statement; and upon

completion, check the donor entries for accuracy. Both specimens will be placed in a single shipping container, with the appropriate pages of the custody and control form. The collection site technician will initial and date the tape seal on the shipping container and place the specimen in secure storage until dispatched to the laboratory.

Procedures for collecting urine specimens shall allow individual privacy. If, however, any of the following circumstances exist, a collection site person of the same gender as the individual providing the urine specimen shall obtain a specimen by direct observation:

- The individual has provided a urine specimen that falls outside the normal temperature range (32 to 38°C/90 to 100°F) and either the individual declines to provide a measurement of oral body temperature or the individual's oral body temperature varies by more than 1°C/1.8°F from the temperature of the specimen.
- The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen. In such event, the collection site person will prepare and maintain a written report concerning the observation.
- A urine specimen provided by the individual for testing 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.
- The individual previously has been determined to have used a controlled substance without medical authorization and the test being conducted is a return to duty or follow-up test.

A higher-level supervisor of the collection site person or a designated Authority representative shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of the circumstances described above. It is not necessary for the collection site technician to confer with or procure the approval of the Authority's medical review officer to obtain a direct observation collection

If the employee refuses to cooperate with the collection process, the collection site technician shall inform the designated Authority representative(s) immediately and shall document the non-cooperation on the drug testing custody and control form.

3. Laboratory Testing

All drug testing implemented at the Authority will be completed in a laboratory certified by the U.S. Department of Health and Human Services ("DHHS"). The laboratory will use an immunoassay technique to screen urine specimens for specific drugs. If any prohibited drug registers above the cutoff level in the immunoassay screen ("EMIT"), an aliquot of the same specimen will be confirmed by using gas chromatography/mass spectrometry ("GC/MS").

All Authority-mandated drug testing will be performed to detect for the presence of the following five (5) substances: marijuana; cocaine; opiates; phencyclidine; and amphetamines. The following initial cutoff levels will be used when screening specimens to determine whether they are negative for these five (5) drugs or classes of drugs:

Drug	Cutoff Levels (ng/ml)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1,000

The following confirmatory cutoff levels will be used:

Drug	Cutoff Levels (ng/ml)
Marijuana metabolite ¹	15
Cocaine metabolite ²	150
Opiates: Codeine	2000
Morphine	2000
6-Acetylmorphine	10
Phencyclidine	25
Amphetamines: Amphetamine	500

Methamphetamine ³	500
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¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid

² Benzoyllecgonine

³ Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

Additionally, all Authority-mandated pre-employment testing attendant to EAP service care (i.e. to satisfy EAP requisites) will be performed to detect for the presence of, in addition to the foregoing substances, the following five (5) substances; barbiturates; benzodiazepine metabolites; methadone; methaqualone; and propoxyphene. The following initial cutoff levels will be used when screening specimens to determine whether they are negative for these additional five (5) drugs or classes of drugs:

Drug	Cutoff Levels (ng/ml)
Barbiturates	300
Benzodiazepine Metabolites	300
Methadone	300
Methaqualone	300
Propoxyphene	300

The following confirmatory cutoff levels will be used:

Drug	Cutoff Levels (ng/ml)
Barbiturates	150
Benzodiazepine Metabolites	150
Methadone	150
Methaqualone	150

Propoxyphene	150
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Long-term frozen storage (-20 degrees C. or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. All confirmed positive specimens will be retained by the laboratory in their original labeled specimen bottles for a minimum of one year in properly secured long-term frozen storage. Within this one year period, the Authority or any other person designated in a DOT agency regulation may request the laboratory to retain the specimen for an additional period of time. If no such request is received, the laboratory may discard the specimen after the end of one year, except that the laboratory shall maintain any specimen known to be under legal challenge for an indefinite period.

4. Review by Medical Review Officer (“MRO”)

All drug testing laboratory results will be reviewed by a qualified medical review officer (“MRO”) designated by the Authority to verify and validate the test results. The MRO will conduct an administrative review of the control and custody form to insure its accuracy. The MRO also will review and interpret an individual’s confirmed positive test by: reviewing the individual’s medical history; affording the individual an opportunity to discuss the test result; and deciding whether there is a legitimate medical explanation for the result. The MRO may request a second analysis of the original specimen, if appropriate.

If, after the MRO makes all reasonable efforts (and documents them), the MRO is unable to reach the individual directly, the MRO will contact a designated Authority representative who will direct the employee to contact the MRO as soon as possible. If, after making all reasonable efforts, the designated Authority representative is unable to contact the employee, the Authority may place the employee on temporary unqualified status or medical leave.

The MRO will report each verified test result to the person(s) designated by the Authority. Reporting of a verified positive result or taking action required as a result of a positive drug test will not be delayed pending additional sampling analysis. The MRO will maintain all necessary records and send test results reports to the Authority’s Vice President, Human Resources (or a designated representative).

B. Alcohol Testing Procedures

1. Collection Site Requirements

All breath alcohol tests will be administered at testing sites designated by the Authority under the supervision of trained, qualified personnel. The secure, restricted collection site will provide privacy for the individual being tested.

The breath specimen will be collected through the use of an evidential breath testing device (“EBT”) approved by the National Highway Traffic Safety Administration (“NHTSA”) and performed by a breath alcohol technician (“BAT”) proficient in the use of the EBT device. A BAT-qualified supervisor of an employee may conduct the alcohol test for that employee only if another BAT is unavailable to perform the test in a timely manner (except that a supervisor shall not serve as a BAT for the employee in any circumstance prohibited by a DOT operating administration regulation).

For confirmation tests, the EBT will print triplicate results, assign unique and sequential test numbers, and print on each copy of the result the manufacturer's name for the device, the device serial number, and the time of the test. For screening tests, a logbook will be used in conjunction with any EBT that does not meet the above requirements. A separate logbook will be used for each EBT device to record the test number, date of test, name of BAT, location of the test, quantified test result, and initials of the employee taking each test.

2. Breath Testing Procedures

The employee's identification will be verified through the presentation of an Authority employee identification card, driver's license, or verification by Authority supervisory personnel. Screening will not proceed if identification cannot be verified. Failure to verify identification will be considered a positive test result. The designated Authority representative(s) will be notified of all employees who fail to report for testing.

The BAT will explain the testing procedures to the employee and the employee and the BAT will complete, date, and sign the breath alcohol testing form indicating the employee is present and providing a breath specimen. Identical copies of the completed form will be distributed to the BAT, the employee, and the Authority. The test shall be invalid if the BAT does not sign the form.

The BAT will open an individually sealed, disposable EBT device mouthpiece in view of the employee and attach it to the device. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds (or until an adequate amount of breath has been obtained) and show the employee the result obtained. If the result of the screening test shows an alcohol concentration of less than 0.05, the test will be reported as a negative test and no further testing is required. The employee may return to his/her assigned work.

If the employee attempts and fails to provide an adequate amount of breath, the BAT shall again instruct the employee to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the designated Authority representative(s).

If the result of the screening test shows an alcohol concentration of 0.05 or greater, a confirmation test will be performed. The confirmation test will be conducted at least fifteen (15) minutes, but not more than thirty (30) minutes, after the completion of the initial screening test. If a BAT other than

the one who conducted the screening test conducts the confirmation test, the new BAT shall initiate a new breath alcohol testing form. The BAT will inform the employee of the need to conduct a confirmation test and that employee must remain at the testing site until the confirmation test is completed. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth, and, to the extent possible, belch during the waiting period before the confirmation test. The BAT also shall explain to the employee the reason for the waiting period (i.e. to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT also shall explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. The employee will be provided a secure, restricted waiting area where he/she cannot be observed.

Before the confirmation test is administered, the BAT will conduct an air blank on the EBT device. Up to two air blanks can be taken to get a reading not greater than 0.00. Before the confirmation test is administered, the BAT shall ensure that he/she and the employee read the sequential test number displayed by the EBT. The confirmation test will be conducted using the same procedures as the screening test. A new EBT device mouthpiece will be used. The employee shall be provided with a copy of the printout of the confirmation test and permitted to view the visual readout.

If the initial and confirmation test results are not identical, the confirmation test result is deemed to be the final result. If the result displayed on the EBT device is not the same as that on the printed form produced by the EBT device, the test will be cancelled and the EBT device removed from service. The BAT will sign and date the form and the employee will sign and date the certification statement which includes a notice that the employee will not be allowed to perform his/her assigned work if the results are 0.05 or greater. The test shall be invalid if the BAT does not sign the form. The BAT will attach the alcohol test result printout directly onto the alcohol collection form with tamperproof tape. The test shall be invalid if the BAT fails to note on the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test result.

If a screening or confirmation test cannot be completed, the BAT will, if practicable, begin a new test using a new alcohol testing form with a new sequential test number. If the employee refuses to complete and sign the breath alcohol testing form, provide breath, provide an adequate amount of breath, or otherwise fails to cooperate or comply with the testing process in a way that prevents the completion of the test, this shall be noted by the BAT in the remarks section of the form, the test shall be terminated, and the

designated Authority representative(s) shall be notified immediately.

In the event that the next calibration check of an EBT produces a result that differs by more than the tolerance stated in the QAP from the known value of the test standard, every test result of 0.05 or above obtained on the device since the last valid external calibration check shall be invalid.

C. Evaluation by Substance Abuse Professional

Any employee who has a verified positive drug test result or a breath alcohol concentration of 0.05 or greater will be advised of the resources available to evaluate and resolve problems associated with drug abuse or alcohol misuse, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. The employee also will be assessed by a substance abuse professional designated by the Authority who will determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

D. Notification of Test Results

The Authority shall, whenever possible upon written permission of the employee, notify the Union of the results of any alcohol test within sixty (60) hours after the employee has submitted to the test and/or within sixty (60) hours after the MRO has verified a positive drug test result with the employee; except that results of tests conducted pursuant to Section IV.B.1.b.iv shall be reported only where positive and results of tests pursuant to Section IV.B.1.b.v shall be reported only where the employee had been found fit to work and the test results are positive. The Authority shall make available to the Union a copy of the written report from the laboratory within twenty-four (24) hours after the report is received by the Authority upon written permission of the employee.

Employees shall be reinstated to active status pending the results of any drug and alcohol test conducted pursuant to Section IV.B.1.b.iv. If the test results do show the presence of any controlled substance or alcohol, the employee shall be removed from service immediately and further action shall be taken by the Authority consistent with the terms and provisions of this policy.

If the results of a drug test show the presence of any of the aforementioned controlled substances, the employee, or the Union upon written direction by the employee, shall have the right to request the preserved urine sample or an aliquot portion of the sample to be sent for testing to another DHHS-certified laboratory for analysis within seventy two (72) hours of notification by the MRO to the employee of the positive test. All costs associated with the storage of the second sample and with the separation of the aliquot portion shall be borne by the Union.

E. Inability to Provide An Adequate Amount of Urine Specimen or Breath

Any applicant or employee who is unable to provide an adequate amount of urine specimen for drug testing will be directed to drink up to forty (40) ounces of fluid, distributed reasonably through a period of up to three (3) hours, or until the employee has provided a new urine specimen, whichever occurs first. Additionally, the employee shall be given the "Collection Protocol for Alcohol/Drug Test Specimens", a copy of which is attached as Appendix B. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site person shall terminate the collection and the employee shall be considered to have refused to submit to testing.

An employee who is unable to provide a sufficient urine specimen for drug testing and/or an adequate amount of breath for alcohol testing will be directed to obtain an evaluation from a licensed physician who is acceptable to the Authority concerning the employee's medical ability to provide an adequate amount of urine and/or breath. If the physician determines, in his/her reasonable medical judgment, that a medical condition has or, with a high degree or probability, could have precluded the employee from providing an adequate amount of urine and/or breath, the employee's failure to do so will not be regarded as a refusal to take the test. If the physician, in his/her reasonable medical judgment, is unable to make such a determination, the employee's failure to provide an adequate amount of urine and/or breath will be regarded as a refusal to take the test. In either event, the physician shall provide to the MRO a brief written statement setting forth his/her conclusion and the basis for it (which shall not include detailed information on the medical condition of the employee). Upon receipt of this statement, the MRO shall report his/her conclusions to the Authority in writing.

An applicant who is unable to provide a sufficient urine specimen for drug testing and/or an adequate amount of breath for alcohol testing will be disqualified from consideration for employment with the Authority (without referral to a physician or evaluation by the MRO).

VI. CONSEQUENCES OF POSITIVE TEST, REFUSAL TO TAKE TEST, AND/OR NON-COMPLIANCE WITH TESTING PROCEDURES

A. Applicants for Employment

Any applicant who tests positive for drugs and/or alcohol, refuses to submit to a drug or alcohol test administered under this policy, refuses to complete and sign the requisite testing forms, or otherwise fails to cooperate with the testing process in a way that prevents the completion of a test will be disqualified from consideration for employment with the Authority.

B. Employees

Any employee who tests positive for drugs and/or alcohol, refuses to submit to a drug or alcohol test administered under this policy, refuses to complete and sign the requisite testing forms, or otherwise fails to cooperate with the testing process in a way that prevents the completion of a test may be subject to disciplinary action consistent with already established rules, policies, and procedures of the Authority.

The foregoing is not intended to interfere with an otherwise qualified employee from participating in the Authority's EAP pursuant to the terms of Attachment H to the collective bargaining agreement between the Authority and the Union. Any disciplinary action taken by the Authority under this policy, an employee's right to continued employment with the Authority, and an employee request that he/she be allowed to participate in the EAP shall be evaluated consistent with the terms of such Attachment H.

VII. CONSEQUENCES OF NEGATIVE TEST FOR EMPLOYEES

If the analysis of the employee's urine and/or breath specimen procured in connection with a drug or alcohol test conducted under this policy establishes that the specimen is negative for the presence of controlled substances in conformity with Section V.A.3 and alcohol in conformity with Section V.B.2, the employee shall be compensated for all time lost from work directly attributable to the order to take the test provided there are no other rule violations which give rise to the order to take the test. Additionally, the employee shall be compensated at the rate of one and one-half (1 1/2) times the employee's straight time hourly rate for all hours or portions thereof in excess of his scheduled work day that the employee is involved in activities directly attributable to the order to take the test. Further, if the order by the Authority to submit to the test has been made pursuant to Section IV.B.1.b.ii above, and the analysis shows the employee is to be considered to have been unimpaired, the employee shall have the right to request a meeting in the offices of the Labor Relations Department. Said meeting shall include the employee, a Union representative, a member of the Labor Relations Department, and the person who requested the employee to take the test. The Union shall notify the Authority in writing within fourteen (14) days after the results of the tests are available of the employee's request for a meeting, and the meeting shall be scheduled at the convenience of the parties, but not later than fourteen (14) days after receipt by the Authority of the request, circumstances permitting. Whenever possible, the meeting will be scheduled during the employee's regular working hours, and the employee will be compensated at his regular rate of pay for any time lost. In the event the meeting cannot be scheduled during the employee's regular working hours, the employee shall be paid an amount equal to four (4) hours pay as compensation for the time spent at the meeting.

VIII. GRIEVANCE-ARBITRATION PROCEDURE

Any dispute concerning this policy involving bargaining unit employees shall be subject to the parties' grievance-arbitration procedures contained in their collective bargaining agreement.

MEMORANDUM OF UNDERSTANDING

To the extent any inconsistencies arise between the Chicago Transit Authority Drug and Alcohol Policy and Testing Program for Non-Safety Sensitive Employees ("the Policy") and any federal, state or local laws, regulations, and ordinances, the latter shall control and shall supersede any inconsistent provisions of the Policy.

Appendix A. Condition of Employee Report

CONDITION OF EMPLOYEE

DISTRIBUTION:
White - Work Location
Canary - Accident/Incident File

EMPLOYEE DATA	Name _____ Badge # _____			
	Work Location _____ Classification _____			
	Date _____			
	Time Started Work _____ Time of Observation Accident/Incident _____			
OBSERVATION	BALANCE	SURE ☐	UNSURE ☐	QUESTIONABLE ☐
	WALKING	STEADY ☐	UNSTEADY ☐	QUESTIONABLE ☐
	SPEECH	CLEAR ☐	SLURRED ☐	QUESTIONABLE ☐
	BEHAVIORS	COOPERATIVE ☐	UNCOOPERATIVE ☐	QUESTIONABLE ☐
	EYES	CLEAR ☐	BLOODSHOT ☐	QUESTIONABLE ☐
	BODY ODOR	NONE ☐	STRONG ☐	WEAK ☐
QUESTIONS TO EMPLOYEE	Are you ill or injured? Yes ☐ No ☐			
	Explain the reason for your physical condition: _____ _____ _____ _____			
TEST NOTIFICATION	1. Was employee ordered to submit to breath and urinalysis test? Yes ☐ No ☐ (Must attach Test Notification - Form 7785)			
	2. Did Employee refuse breath and urinalysis test? Yes ☐ No ☐			
	3. Was employee informed of consequences for refusing test? Yes ☐ No ☐			
	4. Was an attempt made to notify the employee's union that the employee was ordered to submit to testing? Yes ☐ No ☐ Time of union notification _____			
CTA'S OFFICIAL STATEMENT	Describe reason for report (Accident, Incident, Observation, Other): _____ _____ _____ _____			
	CTA Supervisor/Official: _____ Date and Time Written: _____			
	Observation Confirmed By: _____ Date and Time Written: _____ (not required for FTA testing)			

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Appendix B. Collection Protocol for Alcohol/Drug Test Specimens



COLLECTION PROTOCOL FOR URINE SPECIMEN (Effective 08/01/06)

1. Upon receiving notification that you must submit to a drug test, you must report directly to the testing area. Upon completing the test, you must report back to your manager/supervisor.
2. You will be required to provide your CTA photo ID for positive identification purposes. Fakes or photocopies of identification will not be accepted. If you do not have your CTA photo ID, a CTA representative will be asked to identify you for the collector.
3. You will be directed to provide your CTA ID numbers to be written on the drug testing custody and control form (CCF) by the collector.
4. You will be directed to verify that the information contained under Step 1, Section C of the CCF is correct. The collector will ask you to verify this information.
5. You will be shown these protocols which explain the basic collection procedure. You will also be shown the instructions contained on the reverse side of the CCF.
6. You will be directed to remove outer clothing (e.g. coveralls, jacket, coat, hat). You must leave these garments and any briefcase, purse, or other personal belongings with the collector. Failure to comply with these directions will constitute a refusal to test. You may keep your wallet.
7. You will be directed to empty your pockets and display the items in them to the collector.
8. You are not to list on the CCF medications that you are currently taking. (You may make notes of medications on the back of the Donor copy of the CCF for your own convenience, but these notes must not be transmitted to anyone else.)
9. You will be instructed to wash and dry your hands. You may not wash your hands again until after delivering the urine specimen to the collector. You will not be given further access to water or other materials that could be used to adulterate or dilute a urine specimen.
10. You will be directed to select an individually wrapped or sealed collection container from collection kit materials. You must unwrap or break the seal of the collection container. You will not be allowed to take anything from the collection kit into the room used for urination except the collection container.
11. You will be directed to go into a private restroom or closed stall for collection. There you must provide a urine specimen of at least 45 mL. If you fail to provide either a urine specimen or a urine specimen of sufficient quantity, you will be given no more than three hours to produce a satisfactory urine specimen. NOTE: An attempt at provide a urine specimen is required.
12. Do not flush the toilet. Return the urine specimen to the collector as soon as you have completed the void. At no time will the urine specimen be left unattended.
13. Following the collection, the collector will ensure that a sufficient amount of urine (45mL) was provided. Within four minutes after being given the urine specimen, the collector will check the temperature of the urine specimen to ensure it is within the acceptable range of 32-38° C/90-100° F. The collector will also check for signs of tampering.
14. In your presence, the collector will do the following:
 - a. Check the box on the CCF (Step 2) indicating that this was a split specimen collection.
 - b. Show you that the seals on the urine specimen bottles are intact.
 - c. Break the seal on the urine specimen bottles in your presence.
 - d. Pour at least 30 mL of urine from the collection container into one urine specimen bottle to be used for the primary urine specimen.
 - e. Pour at least 15 mL of urine from the collection container into the second urine specimen bottle to be used for the split specimen.
 - f. Place and secure the lids/caps on the bottles.
 - g. Seal the bottles by placing the tamper-evident bottle seals over the bottle caps/lids and down the sides of the bottles.
 - h. Write the date on the tamper-evident bottle seals.
15. You will then be directed to initial the tamper-evident bottle seals for the purpose of certifying that the bottles contain the urine specimen you provided.
16. You will be directed to read and sign the certification statement on the Medical Review Officer copy of the CCF and to provide your printed name, the current date, day and evening contact telephone numbers, and (where required) date of birth.
17. Following completion and review of the CCF by the collector, you will be given the Donor copy of the CCF. The collector will place the sealed urine specimen bottles and the Laboratory copy of the CCF in the appropriate pouches of the plastic bag. The collector will secure both pouches of the plastic bag. You and the collector will initial the tamper-evident bag. You will then be directed to leave the collection site.



COLLECTION PROTOCOL FOR ALCOHOL BREATH TESTING
(Effective 08/01/06)

1. Upon receiving notification that you must submit to an alcohol test, you must report directly to the testing area. Upon completing the test, you must report back to your manager/supervisor.
2. You will be required to provide your CTA photo ID for positive identification purposes. Faxes or photocopies of identification will not be accepted. If you do not have your CTA photo ID, a CTA representative will be asked to identify you for the Breath Alcohol Technician (BAT).
3. You will be directed to provide your CTA ID numbers to be written on the alcohol testing form (ATF) by the BAT.
4. You will be directed to verify that the information contained under Step 1, Sections A and B of the ATF is correct. The BAT will ask you to verify this information.
5. You will be shown these protocols which explain the testing procedure. You will also be shown the instructions contained on the reverse side of the ATF.
6. You will be directed to complete Step 2 on the ATF and to sign the certification. Refusal to sign this certification will constitute a refusal to test.
7. You will be directed to select an individually wrapped or sealed mouthpiece from the testing materials. The BAT will open the individually wrapped or sealed mouthpiece and insert it into the Evidential Breath Testing Device (EBT).
8. You will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
9. If you are unable to provide a sufficient amount of breath on the first attempt, you will be given another opportunity to provide a sufficient amount of breath. Refusal to make this attempt will constitute a refusal to test.
10. The BAT will show you the displayed test result.
11. If the test result is an alcohol concentration of less than 0.02, no further testing will be conducted.
12. If the test result is an alcohol concentration of 0.02 or higher, you will be directed to take a confirmation test following a waiting period of at least 15 minutes.

Additionally:

- a. Concerning the waiting period, you will be told:
 - i. Not to leave the immediate testing area
 - ii. Not to eat, drink, put anything (e.g. cigarette, chewing gum) into your mouth, or belch.
 - iii. The reason for the waiting period (i.e. to prevent an accumulation of mouth alcohol from leading to an artificially high reading);
 - iv. That following these instructions concerning the waiting period is to your benefit; and
 - v. That the confirmation test will be conducted at the end of the waiting period, even if the waiting period instructions have not been followed.
- b. While in your presence, the BAT will conduct an air blank on the EBT before beginning the confirmation test. You will be shown the reading. The test will proceed following an air blank reading of 0.00.
- c. The BAT will open the individually wrapped or sealed mouthpiece and insert it into the EBT. You will then be instructed to read the sequential test number displayed on the EBT.
- d. You will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained. The BAT will show you the displayed test result as well as the unique test number printed out by the EBT.
- e. If the result of the confirmation test is lower than 0.02, nothing further will be required of you.
- f. If the result of the confirmation test is 0.02 or higher, you will be directed to sign and date Step 4 of the ATF.

Appendix C. Terms and Definitions

Air Blank	A reading by an EBT of ambient air containing no alcohol.
Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
Alcohol Concentration	The alcohol is a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.
Alcohol Use	The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
Aliquot	A portion of a specimen used for testing.
Blind Sample or Blind Performance Test Specimen	A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from 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.
Cancelled or Invalid Test	In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a cancelled test. In alcohol testing, a test that is deemed to be invalid is neither a positive nor a negative test.
Collection Container	A container into which the employee urinates to provide the urine sample used for a drug test.
Collection Site	A place designated by the Authority where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collection Site Person	A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.
Confirmation (or Confirmatory Test)	In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. (Gas chromatography/ mass spectrometry [GC/MS] is the only authorized method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.
Contractor	A person or organization that provides a service for the Authority consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.
Controlled Substance	The substances defined and included in the Schedules of Article II of the Illinois Controlled Substances Act, 720 ILCS 570/201 <u>et seq.</u>
DHHS	The U.S. Department of Health and Human Services or any designee of the Secretary of the Department of Health and Human Services.
DOT	The U.S. Department of Transportation or any designee of the Secretary of the Department of Transportation.
Drug Metabolite	The specific substance produced when the human body metabolizes a given prohibited drug as it passes through the body and is excreted in urine.
Drug Test	The laboratory analysis of a urine specimen collected in accordance with regulations promulgated by the DOT and analyzed in a DHHS-approved laboratory.

Evidential Breath Testing Device (EBT)	An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).
FTA	Federal Transit Administration
Medical Review Officer (MRO)	A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the Authority'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 or her medical history and any other relevant biomedical information.
Pass a Drug Test	An individual passes a drug test when a Medical Review Officer determines, in accordance with procedures established by the DOT, that the results of the test: • Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite • Showed evidence of a prohibited drug or drug metabolite for which there was a legitimate medical explanation • Were scientifically insufficient to warrant further action • Were suspect because of irregularities in the administration of the test, or observation, or custody and control procedures
Performing a Safety-Sensitive Function	A covered 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.
Prescribed Drug	Any controlled substance or narcotic prescribed by a qualified, licensed health provider.

Prohibited Drug	Marijuana, cocaine, opiates, amphetamines, or phencyclidine.
Safety-Sensitive Position	A duty, position, or job category that requires the performance of a safety-sensitive function(s).
Screening Test (or Initial Test)	In drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
Shipping Container	A container capable of being secured with a tamper-evident seal that is used to transfer one or more urine specimen bottle(s) and associated documentation from the collection site to the laboratory.
Specimen Bottle	The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.
Split Specimen	An additional specimen collected with the original specimen to be tested in the event the original specimen tests positive.
Substance Abuse Professional (SAP)	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), with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
Verified Negative (drug test result)	A drug test result reviewed by an MRO and determined to have no evidence of prohibited drug use.
Verified Positive (drug test result)	A drug test result reviewed by an MRO and determined to have evidence of prohibited drug use.

Appendix D. Policy and Program Personnel

Vice President, Employee Relations
312-681-4100

Manager, Drug and Alcohol Program and Testing
312-681-4106

Coordinator, Drug and Alcohol Program and Testing
312-681-4114

Medical Review Officer (MRO)
312-681-2226

Substance Abuse Professional (SAP)
312-681-4116

**CHICAGO TRANSIT
AUTHORITY
DRUG AND ALCOHOL POLICY
AND TESTING PROGRAM
FOR SAFETY SENSITIVE
EMPLOYEES**

Effective January 1, 1995
Revised August 7, 2002
Pursuant to an Ordinance
of the
Chicago Transit Authority

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MEMORANDUM OF UNDERSTANDING

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I. OVERVIEW

Under the Drug-Free Workplace Act of 1988, the U.S. Congress required recipients of federal funds to take certain steps to provide for drug-free workplaces for their employees. Additionally, under the Omnibus Transportation Employee Testing Act of 1991, the U.S. Congress directed the Federal Transit Administration ("FTA") to issue regulations on drug and alcohol testing for mass transit workers in safety-sensitive positions.

In February, 1994, the FTA published regulations that prohibit illegal drug use and alcohol misuse by transit employees and require transit agencies to test for prohibited drug use and alcohol misuse (49 CFR Part 653, "Prevention of Prohibited Drug Use in Transit Operations" and 49 CFR Part 654, "Prevention of Alcohol Misuse in Transit Operations"). In addition, the U.S. Department of Transportation ("DOT") issued **49 CFR Part 40**, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs", which describes the testing procedures to be followed.

On December 18, 2000, the DOT significantly revised the Part 40 regulations to update the rule and to address changes in technology, the testing industry, and the DOT's programs. Similarly, FTA updated, revised and combined its drug and alcohol testing rules (Part 653 and 654) into a new regulation, **49 CFR Part 655**. The new Part 40 and Part 655 went into effect on August 1, 2001.

This document sets forth the drug and alcohol policy and testing program ("the policy") of the Chicago Transit Authority ("the Authority") for employees in safety-sensitive positions and has been adopted by the Chicago Transit Authority Board of Directors pursuant to resolution. It was developed to comply with the requirements identified in the foregoing laws and FTA and DOT regulations and to identify all of those instances when a CTA safety-sensitive employee will be subject to drug and/or alcohol testing. Where applicable, the document identifies those policies and procedures that are CTA-mandated and not required by the FTA.

In adopting this policy, the CTA does not otherwise waive its right to enforce already established rules, policies, programs, or the terms and provisions of any applicable collective bargaining agreement governing drug and alcohol use or possession that are not inconsistent with this policy. Moreover, this document is intended to be read consistent with and subject to any otherwise applicable law or regulation presently in effect or which in the future may take effect. If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

II. INTRODUCTION

A. Policy and Program Purposes

The Authority performs a vital service for the public. To ensure that this service is delivered safely, efficiently, and effectively, each employee of the Authority has the responsibility to perform his/her duties in a safe, conscientious, and courteous manner.

The purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace and to reduce the probability of accidents or incidents related to the use and/or misuse of alcohol and other drugs by employees so that transit services are delivered safely, efficiently, and effectively.

This policy outlines four principles as a means to achieve the Authority's goal of providing a workplace free from the effects of drug and alcohol use and/or misuse for its employees. The first principle emphasizes deterrence from the use of drugs and alcohol in or affecting the workplace. The Authority will make education and training available for all employees regarding the effects of substance abuse on individuals and in the workplace. Supervisors and managers will receive specialized training in detection, early intervention, and enforcement.

The second principle is treatment and rehabilitation. The Authority maintains an Employee Assistance Program ("EAP") to assist employees with personal problems, including those surrounding the misuse of drugs and alcohol. The Authority supports rehabilitation before an employee's job is in jeopardy. Although employees are encouraged to receive help for drug and alcohol problems, participation in the Authority's EAP will not excuse an employee's failure to comply with rules and regulations of the Authority. Nor will it preclude discipline for rule or policy violations.

The third principle is detection. Toward this end, the Authority employs six (6) FTA-mandated drug and/or alcohol tests in the following circumstances: pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up. Additionally, separate from any FTA requirements, the Authority mandates that all employees covered by this policy submit to a drug and alcohol test based upon a physician's objective medical judgment, to satisfy EAP requisites, and certain pre-employment, post-accident, and return to duty situations not otherwise covered by the FTA regulations. The foregoing drug and alcohol test policy will apply to all full-time, part-time, seasonal, and temporary employees of the Authority engaged

in the performance of safety-sensitive functions. It also applies to: applicants for positions of employment involving the performance of safety-sensitive functions and employees of direct contractors engaged in the performance of safety-sensitive functions for the Authority.

The fourth principle is enforcement, which is essential if deterrence, rehabilitation, and detection are to be successful. All employees must be fit for duty as defined within this policy. Accordingly, the manufacture, distribution, dispensing, possession, or use of a drug or controlled substance contrary to the terms of this policy, and the use or possession of intoxicants contrary to the terms of this policy are prohibited.

B. Employee and Management Responsibilities

All employees of the Authority covered by this policy are required to refrain from using drugs and alcohol contrary to the specific prohibitions identified herein. The Authority's Vice President, Employee Relations (or a designated representative) will monitor Department practices to ensure compliance with and answer any questions concerning the information presented in this policy. Contact information for the Vice President, Employee Relations and additional program personnel is contained in Appendix A.

Employees are responsible for ensuring adherence to this policy. Managers and supervisors will be held accountable for both the application of the policy and the consistency of its enforcement. To that end, the Authority prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, age, sex, religion, national origin and ancestry, sexual orientation, veteran status, or disability.

C. Confidentiality

Confidentiality will be maintained throughout the drug and alcohol screening process. The Authority will maintain records in a manner so that the disclosure of information to unauthorized persons does not occur. Additionally, the Authority, the specimen collection site, testing laboratory, medical review officer, ("MRO"), breath alcohol technician ("BAT"), and the substance abuse professional ("SAP") will be held to the strict confidentiality requirements consistent with FTA and DOT regulations as specified in 49 CFR 40 Subpart P, "Confidentiality and Release of Information" and 49 CFR 655.73, "Accessibility to facilities and records".

EAP personnel will be expected to carry out all actions relative to this policy in a manner, which respects the dignity and confidentiality of those

involved. EAP records are regarded as confidential medical records and are not available for inspection by anyone except EAP staff absent a written release of information by the employee. EAP personnel will release information to personnel of the Authority only on a need-to-know basis subject to advance notice to the employee. In any case where the employee raises a claim against the Authority involving the quality of care or services rendered by the EAP, the employee shall be deemed to have waived his/her right to confidentiality and the Authority shall have the right to explore thoroughly and evaluate the employee's participation in the EAP.

A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of prohibited drugs or alcohol, including any records pertaining to his/ her drug or alcohol tests. The Authority shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

III. IMPLEMENTATION GUIDELINES FOR PROMOTING A DRUG AND ALCOHOL-FREE WORKPLACE

A. Deterrence

1. Fitness for Duty

Separate from any FTA requirements, the Authority has determined that an employee is fit for duty when he/she is able to perform his/her job duties, including when he/she is ready for work or working without the presence of any alcohol or the presence of any specified drugs or their metabolites as prescribed by this policy. Employees must understand that they are responsible for assuring that their job conduct is safe and appropriate.

An employee is "on duty" or "subject to duty" within the meaning of this provision:

- On his/her regularly scheduled days from the time he/she arrives on the property until the time he/she completes his/her work assignments and leaves the property.
- When reporting for a physical examination as a requirement of his/her position of employ.
- When the employee has volunteered or has been assigned extra work on his/her day off or vacation.
- Prior to the start of duty, when told in advance that he/she is expected to be on duty within the next eight (8) hours.

2. **Reporting the Use of Prescription Drugs or "Over-the-Counter" Medication**

Separate from any FTA requirements, safety-sensitive employees are required to report to the Authority the use of prescription drugs and "over-the-counter" medication if the physical, mental, or emotional health of the employee is impaired or becomes impaired or changes significantly through the use of such a prescription drug or "over-the-counter" medication. A physician designated by the Authority will make the determination as to whether there is a possibility that the employee's performance of essential functions of the job may be affected or compromised by the employee's use of any such drug or medication or that the safety of the employee, his/her co-workers, or the public is, or could be, in jeopardy. If it is concluded that there is such a possibility and a reasonable accommodation pursuant to the Americans with Disabilities Act cannot be made, the employee will be considered unfit for duty and will be removed from service. The employee will remain out of service but only for such a reasonable period of time as is necessary for the employee to be cleared to return to work by an Authority-designated physician.

Safety-sensitive employees, who fail to report their use of prescription drugs or "over-the-counter" medication in accordance with this section, and subsequently have a confirmed positive drug or alcohol test, are subject to progressive discipline up to and including discharge.

3. **Education and Training**

The Authority recognizes that education and training of its workforce and supervisors are major components of a successful drug and alcohol program. To that extent:

- All employees subject to testing under this policy will be given a copy of the policy.
- The Authority will make copies of **49 CFR Parts 40 and 655** readily available upon request of any employee subject to testing under this policy.
- The Authority will display and distribute informational material about the effect of drugs along with a community service hotline telephone number to assist employees who may be experiencing problems with prohibited drugs.
- The Authority will distribute informational material about the signs and symptoms of an alcohol problem and the effects of alcohol misuse on an individual's health, work, and personal life.
- Covered employees will receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment and on the signs and symptoms that may indicate prohibited drug use.
- Supervisors and/or other company officers authorized by the Authority to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, speech and performance indicators of probable drug use and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol use.

In addition to the foregoing education and training requirements mandated by the FTA, the Authority will consider and implement such other education and training programs as will help promote safety goals, maintain the integrity of the Authority's drug and alcohol testing program, and enhance the benefits of that program.

B. Treatment and Rehabilitation--Employee Assistance Program
("EAP")

In order to promote a drug and alcohol-free environment, the Authority will work to assist eligible employees with problems due to the use of drugs or misuse of alcohol. Accordingly, separate from any programs regarding drug and alcohol testing mandated by the DOT and FTA, the Authority has established and encourages the use of its Employee Assistance Program ("EAP"). The EAP was established in part so that an employee who recognizes that he/she has a drug use or alcohol misuse problem may have the opportunity to receive treatment and rehabilitation.

Employees are directed to any pertinent collective bargaining agreement for the terms and provisions of, and restrictions and benefits attendant to, EAP participation. Any questions regarding the Authority's EAP should be referred to the Authority's Vice President, Employee Relations (or a designated representative).

IV. PROVISIONS FOR DRUG AND ALCOHOL TESTING

A. General Conditions

1. Persons Subject to Testing

The following persons will be subject to drug and alcohol testing pursuant to the terms of this policy:

- All full time, part time, seasonal, and temporary employees of the Authority engaged in the performance of safety-sensitive functions;
- Applicants for or transfers into positions of employment with the Authority involving the performance of safety-sensitive functions; and
- Employees of direct contractors engaged in the performance of safety-sensitive functions for the Authority.

A "safety-sensitive function" means any of the following duties:

- Operating a revenue service vehicle (including when not in revenue service).
- Operating a nonrevenue 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 repair, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security purposes.

Included in the foregoing are supervisors who in fact perform safety-sensitive functions. Supervisors of covered employees who themselves do not perform safety-sensitive functions are excluded.

All Authority positions and their duties have been reviewed. Attached to this policy as Appendix B is a list of the safety-sensitive position titles identifying the persons subject to drug and alcohol testing based on this review. Every employee of the Authority who performs a safety-sensitive function must participate in this program as a condition of employment.

2. Prohibited Behavior/Drugs

Pursuant to the FTA regulations, all persons covered by this policy are prohibited at all times from using any of the following five (5) substances: marijuana; cocaine; opiates; amphetamines; and phencyclidine. Covered employees may be tested for drugs at any time while on duty. Pursuant to the FTA requirements, each employee covered by this policy will be required to submit to drug testing administered in accordance with any of the following circumstances as described in detail in each case in Section IV.B.1.a. through f. of this policy: pre-employment; post-accident; reasonable suspicion; random; and return to duty/follow-up.

Additionally, separate from any DOT and FTA requirements:

- All persons covered by this policy are prohibited from using any of the following five (5) additional substances: barbiturates; benzodiazepine metabolites; methadone; methaqualone; and propoxyphene.
- The use of a controlled substance by Authority employees at any time is prohibited.
- The use or possession of a controlled substance from the time an employee reports for work until the conclusion of the

employee's workday or reporting for work in an impaired condition due to the use of the same is prohibited.

- An employee may not have a controlled substance in his/her system from the time of reporting for work until the conclusion of the workday.
- An employee shall not knowingly accept relief from or permit an employee to work who is under the influence of a controlled substance.
- The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on Authority property by any person at any time also is prohibited.

3. Prohibited Behavior/Alcohol

a. Alcohol Concentration

All persons covered by this policy are prohibited from reporting to duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Under FTA requirements, each person covered by this policy is subject to alcohol testing: while performing any safety-sensitive function; immediately before performing any safety-sensitive function; and immediately after performing any safety-sensitive function. No Authority supervisory person having actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform safety-sensitive functions.

b. On Duty Use

All persons covered by this policy are prohibited from using alcohol while performing safety-sensitive functions. No Authority supervisory person having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

c. Pre-Duty Use

(1) General

All persons covered by this policy are prohibited from using alcohol within four (4) hours prior to performing safety-sensitive functions. No Authority supervisory person having actual knowledge that a covered employee has used alcohol within four (4) hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(2) Employees Required to Report for Call

Employees who are in the workbook and required to report for call are subject to the restrictions identified in subparagraphs IV.A.3.a, b, and c(1). Upon receiving a call to report to duty, the following shall apply:

(a) The safety-sensitive employee will be allowed to acknowledge the use of alcohol at the time he/she is called to report to duty and the inability to perform his/her safety-sensitive function.

(b) The safety-sensitive employee must take an alcohol test if the covered employee has acknowledged the use of alcohol but claims the ability to perform his/her safety-sensitive function.

d. Use Following An Accident

Any person required to take a post-accident alcohol test under this policy is prohibited from using alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident test, whichever occurs first.

e. Other Alcohol Related Conduct

No Authority supervisory person shall permit a covered employee tested under the provisions of this policy who is found

to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions until:

- (1) The employee's alcohol concentration measures less than 0.02; or
- (2) The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

A. Detection

All covered employees are required to submit to drug and alcohol tests conducted in compliance with **49 CFR Parts 40 and 655**.

1. Circumstances for Testing

a. Pre-Employment

All applicants for employment in safety-sensitive positions or employees being transferred into safety-sensitive positions will be informed in writing of the need to pass a required drug test as a condition of employment. No applicant or employee will be hired or transferred into a position involving the performance of safety-sensitive functions unless he/she passes the test. Additionally, any employee who has not performed a safety-sensitive function for ninety (90) consecutive calendar days regardless of the reason, and the employee has not been in the Authority's random selection pool during that time, shall be required to take a pre-employment drug test with a verified negative result. If a pre-employment drug test is cancelled, the Authority shall require the applicant or employee to submit to and pass another test. All costs associated with the testing of a split sample shall be borne by the applicant.

b. Reasonable Suspicion Testing

All employees covered by this policy shall submit to drug and/or alcohol tests when the Authority has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Such requests will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or

body odors of the covered employee. A supervisor(s) or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations and complete a Condition of Employee Report, a sample of which is attached as Appendix C.

c. Post-Accident

All employees covered by this policy who are involved in an accident will be required to submit to a drug and alcohol test. An "accident" is defined under **49 CFR Part 655.4** as an occurrence associated with the operation of an Authority vehicle in which:

- An individual dies;
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;
- The mass transit vehicle involved is a bus, van, or automobile in which one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle; or
- The mass transit vehicle involved is a railcar and is removed from operation.

In the case of any accident involving a fatality, each surviving safety-sensitive employee operating the Authority vehicle at the time of the accident will be tested. Additionally, any other safety-sensitive employees whose performance could have contributed to the accident, as determined by the Authority using the best information available at the time of the accident, will be tested.

In the case of any accident not involving a fatality, each safety-sensitive employee operating the Authority vehicle at the time of the accident will be tested unless the Authority determines, using the best information available at the time of the decision, that the safety-sensitive employee's performance can be completely discounted as a contributing factor to the

accident. Additionally, for all nonfatal accidents, any other safety-sensitive employees whose performance could have contributed to the accident, as determined by the Authority using the best information available at the time of the accident, will be tested.

The FTA regulations do not provide authority for testing unless the employee is able to give consent. Consistent with that, the Authority will not proceed with any FTA testing of any employee operating the Authority vehicle at the time of the accident who is injured and unconscious, or dead.

Post-accident drug tests will be performed as soon as possible but no later than thirty-two (32) hours following the accident. Post-accident alcohol tests will be performed within two (2) hours but no later than eight (8) hours following the accident. If an alcohol test is not administered within two (2) hours following the accident, the Authority will prepare and maintain a record stating the reason(s) the test was not so administered. If an alcohol test still is not administered within eight (8) hours following the accident, all attempts to administer the test will cease.

If the Authority is not able to complete testing during this time frame, the Authority may utilize testing performed by local law enforcement officials to effectuate the purposes of this policy. The Authority will only utilize such testing when the testing is performed to the standards to which the Authority would adhere if it performed the testing.

An employee subject to post-accident testing who fails to remain available for such testing, including notifying the Authority of his/her location after leaving the scene of the accident, may be deemed to have refused to submit to testing.

d. Random

All employees covered by this policy will be subject to random drug and alcohol testing. The random selection method will be a scientifically valid method, such as a random number table or a computer-based random number generator. Subject to adjustment by the FTA, at least fifty (50) percent of the pool comprised of all covered safety-sensitive employees will be subject to drug testing and ten (10) percent of said pool will be

subject to alcohol testing each year. The dates for administering unannounced testing of randomly-selected covered employees shall be spread reasonably throughout the calendar year including all days and hours during which safety-sensitive functions are performed, so as to ensure that all employees have a reasonable expectation that they might be called for a test on any day they are at work. Once the employee has been notified of selection for testing, the employee will be required to report immediately to the designated collection site.

Employees may only be excused from random testing if they have not reported for work for a legitimate reason. All employees who are available for testing shall be tested.

e. Return to Duty

Any employee returning to a safety-sensitive position following a verified positive drug test result, an alcohol result of 0.04 or greater, or a refusal to submit to a test, will be required to be evaluated by a SAP, complete a SAP recommended treatment and/or education program, and complete a return to duty test with a negative test result.

The employee must have a verified negative drug test result and/or alcohol test result of less than 0.02 to return to duty to perform a safety-sensitive function. If a drug test is cancelled, the employee will be subject to and required to pass another drug test.

f. Follow-Up

An employee who is allowed to return to duty to perform a safety-sensitive function following a verified positive drug test result, an alcohol test of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up testing for at least twelve (12) months but not more than sixty (60) months. The frequency and duration of the follow-up testing will be determined by the SAP, but subject to the conducting of a minimum of six (6) tests during the first twelve (12) months after the employee has returned to duty. The SAP shall document the basis upon which a determination of follow-up testing in excess of both twelve (12) months and twenty four (24) months has been made.

The foregoing is separate from and in addition to the Authority's random testing program. Employees subject to follow-up testing also will remain in the standard random pool and will be tested whenever subject to random testing, even if as a result the employee is tested twice in the same month, week, or day.

The requirements of the SAP's follow-up plan "follow the employee" to subsequent employers or through breaks in service.

g. Non-FTA Testing

Separate from any FTA requirements, all applicants for employment in safety-sensitive positions or employees being transferred or reinstated into safety-sensitive positions will be required to submit to and pass a pre-employment drug and/or alcohol test administered as part of the pre-employment physical examination. If a pre-employment drug or alcohol test is cancelled, the Authority shall require the applicant to submit to and pass another test.

Also separate from any FTA requirements, the Authority requires that all employees covered by this policy submit to a drug and/or alcohol test:

- (i) In the event of an accident or any other incident involving a possible claim of injury or property damage not otherwise covered by the FTA regulations. At least one (1) non-bargaining unit employee shall complete a Condition of Employee Report.
- (ii) Based upon a physician's objective medical judgement.
- (iii) During a return to duty physical examination not otherwise covered by the FTA regulations for any employee performing or supervising an operating function.
- (iv) To satisfy EAP requisites.

- (v) When the Authority has reasonable suspicion to believe that a covered employee has used a prohibited drug and/or engaged in alcohol misuse when the employee is on Authority property or during the employee's tour of duty but is not otherwise covered by the FTA regulations.

2. Conduct that Constitutes a Refusal to Submit to a Test

The following conduct will be regarded by the Authority as a refusal to submit to a drug and/or alcohol test:

- Failure to appear for any test (except a pre-employment test) within the time allotted by the Authority after being directed to do so by the Authority.
- Failure to remain at the testing site until the testing process is complete; provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
- Failure to provide a specimen; provided that an employee who does not provide a specimen because he/she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
- Failure to provide a sufficient amount of urine or breath, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Failure to permit a directly observed or monitored collection when required.
- Failure or declining to take a second test the Authority or collector has directed the employee to take.
- Failure to undergo a medical examination or evaluation as required. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.

- Failure to sign the certification at Step 2 of the Alcohol Testing Form.
- Failure to cooperate with any part of the testing process.

V. METHODOLOGY

The Authority's testing program will conform to the standards established by the DOT in **49 CFR Part 40** as amended. All employees subject to testing under this policy will be given a copy of the policy. The Authority will make copies of **49 CFR Parts 40 and 655** readily available upon request of any employee subject to testing under this policy.

Separate from any FTA and DOT requirements, all Authority mandated pre-employment testing and testing attendant to EAP service care (i.e. to satisfy EAP requisites) will be performed to detect for the presence of the following five (5) substances: barbiturates; benzodiazepine metabolites; methadone; methaqualone; and propoxyphene.

The following initial cutoff levels will be used when screening specimens to determine whether they are negative for these additional five (5) drugs or classes of drugs:

Drug	Cutoff Levels (ng/ml)
Barbiturates	300
Benzodiazepine metabolites	300
Methadone	300
Methaqualone	300
Propoxyphene	300

The following confirmatory cutoff levels will be used:

Drug	Cutoff Levels (ng/ml)
Barbiturates	150
Benzodiazepine metabolites	150
Methadone	150
Methaqualone	150
Propoxyphene	150

VI. ENFORCEMENT OF POLICY

A. Consequences of Verified Positive Drug Test or Refusal to Submit to a Drug Test

1. Applicants for Employment

An applicant for employment covered under this policy who has a verified positive drug test result or refuses to submit to a drug test will be provided with a list of SAP's and treatment programs.

Additionally, separate from any FTA mandated requirements, any applicant for employment covered under this policy who has a verified positive drug test result or refuses to submit to a drug test will be disqualified from consideration for employment with the Authority for a period of at least one (1) year from the date of testing.

2. Employees

Any covered employee who has a verified positive drug test result or refuses to submit to a drug test will be removed immediately from performing any safety-sensitive function until or unless the employee successfully completes the return to duty process set forth in 49 CFR 40 Subpart O.

Additionally, separate from any FTA mandated requirements, any employee covered under this policy who has a verified positive drug test result or refuses to submit to a drug test will be subject to the provisions contained in Attachment H of the parties' collective bargaining agreement.

B. Consequences of Misuse of Alcohol

1. Applicants for Employment

An applicant for employment covered under this policy who has an alcohol concentration of 0.04 or greater or refuses to submit to an alcohol test will be provided with a list of SAPs and/or treatment programs.

Additionally, separate from any FTA mandated requirements, any applicant for employment covered under this policy who tests positive for alcohol at any concentration level or who refuses to submit to an alcohol test will be disqualified from consideration for

employment with the Authority for a period of at least one (1) year from the date of testing.

2. Employees

Any covered employee who has an alcohol concentration of 0.04 or greater or refuses to submit to an alcohol test, will be removed immediately from performing any safety-sensitive function, until or unless the employee successfully completes the return to duty process set forth in **49 CFR 40 Subpart O**.

Additionally, separate from any FTA mandated requirements, any employee covered under this policy who has an alcohol concentration of 0.04 greater or refuses to submit to a test will be subject to the provisions contained in Attachment H of the parties' collective bargaining agreement.

In the event of a positive alcohol test of 0.02 or greater but less than 0.04, the employee shall not be permitted to perform or to continue to perform safety-sensitive functions until:

- (a) The employee's alcohol concentration measures less than 0.02 or;
- (b) The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

C. Union Involvement

Separate from any FTA or DOT requirement, if the Authority orders an employee to submit to a drug and/or alcohol test:

- With respect to Sections IV.B.1.b, IV.B.1.c, IV.B.1.g.i, and IV.B.1.g.iv, the Authority shall make a good faith effort to allow the employee being ordered to submit to the test to have the opportunity to consult with a Union representative before submitting to the test, provided, however, that the failure of the Union representative to be present within thirty (30) minutes after notification to the Union in accordance with the procedure set forth below shall in no way affect the requirement of submission to the test if any of the conditions set forth in Sections IV.B.1.b, IV.B.1.c., IV.B.1.g.i, and IV.B.1.g.iv has been met.
- With respect to Section IV.B.1.g.ii, the Authority shall allow the employee being ordered to submit to the test a reasonable opportunity

to consult with a Union representative before submitting to the test unless the consultation would result in a delay in administering the test.

As regards the foregoing, the Authority shall notify Local 399 that one of its bargaining unit employees is being ordered to submit to testing as follows:

- Between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, the Authority shall call the Union at the Union office at (312) 372-9870.
- At all other times, the Authority shall call the Union at the telephone number of the Board member at the specific location.

The Union reserves the right to change said notification telephone numbers upon fourteen (14) days advance written notice to the Authority's Vice President of Employee Relations.

Notification to the Union is not necessary if a Union representative is present at the time the request is made, or if a situation exists which reasonably prevents the Authority from notifying the Union. In the event the Authority fails to notify the Union because it claims to have been reasonably prevented from doing so, the burden of showing such will be on the Authority.

The Authority shall, upon written permission of the employee, notify the Union of the results of any alcohol test within sixty (60) hours after the employee has submitted to the test and/or within sixty (60) hours after the MRO has verified a positive drug test result with the employee; except that results of tests conducted pursuant to Section IV.B.1.g.iii shall be reported only where positive and results of tests pursuant to Section IV.B.1.g.iv shall be reported only where the employee has been found fit to work and the test results are positive. The Authority shall make available to the Union a copy of the written report from the laboratory within twenty-four (24) hours after the report is received by the Authority upon written permission of the employee.

Employees shall be reinstated to active status pending the result of any drug and alcohol test conducted pursuant to Sections IV.B.1.e. or IV.B.1.g.iii. If the test results show the presence of any controlled substance or alcohol, the employee shall be removed from service immediately and the Authority shall take further action consistent with the terms and provisions of this policy.

If the results of a drug test show the presence of any controlled substance, the employee shall have the right to request the preserved urine

sample or an aliquot portion of the sample to be sent for testing to another DHHS-certified laboratory for analysis within seventy-two (72) hours of notification by the MRO to the employee of the positive test. All the costs associated with the storage of the second sample and with the separation of the aliquot portion shall be borne by the Union.

D. Consequences of Negative Test for Employees

Separate from any FTA or DOT requirements, if the analysis of the employee's urine and/or breath specimen procured in connection with a drug or alcohol test conducted pursuant to Sections IV.B.1.b or IV.B.1.g establishes that the specimen is negative for the presence of controlled substances in conformity with **49 CFR Part 40** as amended, the employee shall be compensated for all time lost from work directly attributable to the order to take the test, provided there are no other rule violations which give rise to the order to take the test. Additionally, the employee shall be compensated at the rate of one and one-half (1 ½) times the employee's straight time hourly rate for all hours or portions thereof in excess of his/her scheduled work day that the employee is involved in activities directly attributable to the order to take the test. Further, if the order by the Authority to submit to the test has been made pursuant to Section IV.B.1.b above, and the analysis shows the employee is to be considered to have been unimpaired, the employee shall have the right to request a meeting to include the employee, a Union Representative, a member of the Employee Relations Department, and the person who requested the employee to take the test. The Union shall notify the Authority in writing within fourteen (14) days after the results of the tests are available of the employee's request for a meeting, and the meeting shall be scheduled at the convenience of the parties, but no later than fourteen (14) days after receipt by the Authority of the request, circumstances permitting. Whenever possible, the meeting will be scheduled during the employee's regular working hours, and the employee will be compensated at his/her regular rate of pay for any time lost. In the event the meeting cannot be scheduled during the employee's regular working hours, the employee shall be paid an amount equal to four (4) hours pay as compensation for the time spent at the meeting.

VII. GRIEVANCE-ARBITRATION PROCEDURE

Separate from any FTA or DOT requirement, any dispute concerning this policy shall be subject to the parties' grievance-arbitration procedures contained in their collective bargaining agreement.

VIII. APPLICABILITY OF POLICY TO AUTHORITY CONTRACTORS

All Authority contractor employees and employees of third party contractors which operate transportation service for Authority contractors who are engaged in the performance of safety-sensitive functions for the Authority are subject to the provisions of **49 CFR Parts 40 and 655**, including the adoption of a drug and alcohol

policy which complies with these regulations. Any contractor employee who violates these provisions will not be allowed to perform safety-sensitive functions in the Authority-funded service.

Contractors are required to insure compliance with the applicable provisions of **49 CFR Parts 40 and 655** and must provide timely data to the Authority, as requested by the Authority, in order that the Authority may include such information in its mandated reports to the DOT and FTA. The Authority will make every reasonable effort to assist contractors in compliance, which may include offering Authority-obtained services for testing, MRO, and SAP reviews, and education and training, for the fee(s) charged to the Authority

IX. ATTACHMENT G – COLLECTIVE BARGAINING AGREEMENT

This policy supercedes Attachment G to the parties' collective bargaining agreement.

MEMORANDUM OF UNDERSTANDING

(a) To the extent any inconsistencies arise between the Chicago Transit Authority Drug and Alcohol Policy and Testing Program for Safety Sensitive Employees ("the Policy") and any federal, state, or local laws, regulations, and ordinances, the latter shall control and shall supercede any inconsistent provisions of the Policy.

(b) Appendix B: List of Safety-Sensitive Employees attached to the Policy set forth certain classifications of employees that the Authority deems to be "safety-sensitive" employees. The Union preserves any and all claims and defenses either may have relative to whether any particular classification of employee has been properly included or excluded from Appendix B.

APPENDIX A: POLICY AND PROGRAM PERSONNEL

Vice President, Employee Relations
312-681-4100

Manager, Drug and Alcohol Program and Testing
312-681-4106

Coordinator, Drug and Alcohol Program and Testing
312-681-4114

Medical Review Officer (MRO)
312-681-2226

Substance Abuse Professional (SAP)
312-681-4116

APPENDIX B: SAFETY-SENSITIVE POSITION TITLES

APPENDIX C: CONDITION OF EMPLOYEE REPORT

CONDITION OF EMPLOYEE

DISTRIBUTION:
White - Work Location
Canary - Accident/Incident File

EMPLOYEE DATA	Name _____ Badge # _____			
	Work Location _____ Classification _____			
OBSERVATION	Date _____	Time Started Work _____ Time of Observation Accident/Incident _____		
	BALANCE	SURE ☐	UNSURE ☐	QUESTIONABLE ☐
	WALKING	STEADY ☐	UNSTEADY ☐	QUESTIONABLE ☐
	SPEECH	CLEAR ☐	SLURRED ☐	QUESTIONABLE ☐
	BEHAVIORS	COOPERATIVE ☐	UNCOOPERATIVE ☐	QUESTIONABLE ☐
	EYES	CLEAR ☐	BLOODSHOT ☐	QUESTIONABLE ☐
	BODY ODOR	NONE ☐	STRONG ☐	WEAK ☐
QUESTIONS TO EMPLOYEE	Are you ill or injured? Yes ☐ No ☐			
	Explain the reason for your physical condition: _____ _____ _____ _____			
TEST NOTIFICATION	1. Was employee ordered to submit to breath and urinalysis test? Yes ☐ No ☐ (Must attach Test Notification - Form 7785)			
	2. Did Employee refuse breath and urinalysis test? Yes ☐ No ☐			
	3. Was employee informed of consequences for refusing test? Yes ☐ No ☐			
	4. Was an attempt made to notify the employee's union that the employee was ordered to submit to testing? Yes ☐ No ☐ Time of union notification _____			
CTA'S OFFICIAL STATEMENT	Describe reason for report (Accident, Incident, Observation, Other): _____ _____ _____ _____			
	CTA Supervisor/Official: _____ Date and Time Written: _____			
	Observation Confirmed By: _____ Date and Time Written: _____ (not required for FIA testing)			

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APPENDIX D: DRUG AND ALCOHOL TEST NOTIFICATION

FTA/CTA DRUG AND ALCOHOL TEST NOTIFICATION

Employee Name _____		Badge No. _____	
Classification _____		Work Location _____	
Date and Time of Accident/Incident _____		Date and Time Ordered to Submit _____	
Type of Test: FTA ☐ Random ☐ Follow-up (In accordance with 49 CFR Part 655.47 and 49 CFR Part 40 Subpart 0) ☐ Reasonable Suspicion (Must attach Condition of Employee form) ☐ Post Accident (Must attach Special Occurrence Report) ☐ Fatality ☐ Injury (Immediately Receives Medical Treatment away from the scene. NOTE: Employees who are dead may not be tested. Employees who are injured and unconscious may not be tested until such time as they are able to consent to test.) ☐ Disabling Damage (Vehicle towed) ☐ Rail Vehicle involved that is removed from operation. CTA ☐ I.O.D. (Must attach Special Occurrence Report) ☐ Reasonable Suspicion (Must attach Condition of Employee form) ☐ Post Accident (Must attach Condition of Employee form) ☐ Possible Claim of Injury ☐ Property Damage ☐ Follow-up (NOTE: Tests conducted under any of the above listed circumstances for Safety Sensitive Employees conducted pursuant to 49 CFR Parts 655.17 & 655 subpart E.			
Supervisor Reasons for Not Testing (49 CFR Part 655.44(d)) If you determine using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Applies only to non-fatal accidents. Please note the reason below for not testing: _____ _____			
YOU ARE NOTIFIED THAT YOU ARE TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST IN ACCORDANCE WITH FTA/CTA REGULATIONS. YOU ARE TO REPORT IMMEDIATELY TO THE DESIGNATED TESTING LOCATION AS DIRECTED BY THE BELOW NOTED CTA OFFICIAL. YOUR FAILURE TO IMMEDIATELY REPORT AS DIRECTED, OR YOUR REFUSAL TO FULLY PARTICIPATE IN OR ATTEMPT TO COMPROMISE THE TESTING PROCESS IS CONSIDERED A VIOLATION OF FEDERAL REGULATIONS AND/OR CTA RULES THAT MAY RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE.			
Issued By: _____ CTA Notifying Agent		Received: _____ Employee's Signature	
Time Testing Began* _____		*First unsuccessful attempt (if applicable) when directed to do so you must make an attempt to provide a suitable specimen. Failure to do so may result in a refusal to test which can result in disciplinary action up to and including discharge.	
Time Testing Completed _____			
Elapsed time from accident/incident to test administration _____ In the event an alcohol test is not administered within two (2) hours following an accident, prepare and record in the space below the reasons why testing was not promptly administered. If an alcohol test is not administered within eight (8) hours following an accident, make no further effort to administer an alcohol test and document the reasons why the test was not administered within eight (8) hours. In the event a drug test is not administered within 32 hours following an accident, do not continue to administer the drug test. (49 CFR Parts 655.44 (a) & (b))			
Collector's Signature: _____		Reason for Delay or test termination: _____	
NOTE: A copy of the Testing Protocol is available upon request. _____			
EMPLOYEE MUST RETURN THIS FORM TO MANAGER IMMEDIATELY UPON COMPLETION OF TESTING PROCESS.			
DISTRIBUTION: White - Work Location Copy Canary - Medical Review Officer 567 Lake Street - 3rd Floor Pink - Collector Copy			

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APPENDIX E: DRUG AND ALCOHOL TEST PROTOCOL



COLLECTION PROTOCOL FOR URINE SPECIMEN (Effective 08/01/06)

1. Upon receiving notification that you must submit to a drug test, you must report directly to the testing area. Upon completing the test, you must report back to your manager/supervisor.
2. You will be required to provide your CTA photo ID for positive identification purposes. Faxes or photocopies of identification will not be accepted. If you do not have your CTA photo ID, a CTA representative will be asked to identify you for the collector.
3. You will be directed to provide your CTA ID numbers to be written on the drug testing custody and control form (CCF) by the collector.
4. You will be directed to verify that the information contained under Step 1, Section C of the CCF is correct. The collector will ask you to verify this information.
5. You will be shown these protocols which explain the basic collection procedure. You will also be shown the instructions contained on the reverse side of the CCF.
6. You will be directed to remove outer clothing (e.g. coveralls, jacket, coat, hat). You must leave these garments and any briefcase, purse, or other personal belongings with the collector. Failure to comply with these directions will constitute a refusal to test. You may keep your wallet.
7. You will be directed to empty your pockets and display the items in them to the collector.
8. You are not to list on the CCF medications that you are currently taking. (You may make notes of medications on the back of the Donor copy of the CCF for your own convenience, but these notes must not be transmitted to anyone else.)
9. You will be instructed to wash and dry your hands. You may not wash your hands again until after delivering the urine specimen to the collector. You will not be given further access to water or other materials that could be used to adulterate or dilute a urine specimen.
10. You will be directed to select an individually wrapped or sealed collection container from collection kit materials. You must unwrap or break the seal of the collection container. You will not be allowed to take anything from the collection kit into the room used for urination except the collection container.
11. You will be directed to go into a private restroom or closed stall for collection. There you must provide a urine specimen of at least 45 mL. If you fail to provide either a urine specimen or a urine specimen of sufficient quantity, you will be given no more than three hours to produce a satisfactory urine specimen. NOTE: An attempt at provide a urine specimen is required.
12. Do not flush the toilet. Return the urine specimen to the collector as soon as you have completed the void. At no time will the urine specimen be left unattended.
13. Following the collection, the collector will ensure that a sufficient amount of urine (45mL) was provided. Within four minutes after being given the urine specimen, the collector will check the temperature of the urine specimen to ensure it is within the acceptable range of 32-38° C/90-100° F. The collector will also check for signs of tampering.
14. In your presence, the collector will do the following:
 - a. Check the box on the CCF (Step 2) indicating that this was a split specimen collection.
 - b. Show you that the seals on the urine specimen bottles are intact.
 - c. Break the seal on the urine specimen bottles in your presence.
 - d. Pour at least 30 mL of urine from the collection container into one urine specimen bottle to be used for the primary urine specimen.
 - e. Pour at least 15 mL of urine from the collection container into the second urine specimen bottle to be used for the split specimen.
 - f. Place and secure the lids/caps on the bottles.
 - g. Seal the bottles by placing the tamper-evident bottle seals over the bottle caps/lids and down the sides of the bottles.
 - h. Write the date on the tamper-evident bottle seals.
15. You will then be directed to initial the tamper-evident bottle seals for the purpose of certifying that the bottles contain the urine specimen you provided.
16. You will be directed to read and sign the certification statement on the Medical Review Officer copy of the CCF and to provide your printed name, the current date, day and evening contact telephone numbers, and (where required) date of birth.
17. Following completion and review of the CCF by the collector, you will be given the Donor copy of the CCF. The collector will place the sealed urine specimen bottles and the Laboratory copy of the CCF in the appropriate pouches of the plastic bag. The collector will secure both pouches of the plastic bag. You and the collector will initial the tamper-evident bag. You will then be directed to leave the collection site.



COLLECTION PROTOCOL FOR ALCOHOL BREATH TESTING
(Effective 08/01/06)

1. Upon receiving notification that you must submit to an alcohol test, you must report directly to the testing area. Upon completing the test, you must report back to your manager/supervisor.
2. You will be required to provide your CTA photo ID for positive identification purposes. Faxes or photocopies of identification will not be accepted. If you do not have your CTA photo ID, a CTA representative will be asked to identify you for the Breath Alcohol Technician (BAT).
3. You will be directed to provide your CTA ID numbers to be written on the alcohol testing form (ATF) by the BAT.
4. You will be directed to verify that the information contained under Step 1, Sections A and B of the ATF is correct. The BAT will ask you to verify this information.
5. You will be shown these protocols which explain the testing procedure. You will also be shown the instructions contained on the reverse side of the ATF.
6. You will be directed to complete Step 2 on the ATF and to sign the certification. Refusal to sign this certification will constitute a refusal to test.
7. You will be directed to select an individually wrapped or sealed mouthpiece from the testing materials. The BAT will open the individually wrapped or sealed mouthpiece and insert it into the Evidential Breath Testing Device (EBT).
8. You will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
9. If you are unable to provide a sufficient amount of breath on the first attempt, you will be given another opportunity to provide a sufficient amount of breath. Refusal to make this attempt will constitute a refusal to test.
10. The BAT will show you the displayed test result.
11. If the test result is an alcohol concentration of less than 0.02, no further testing will be conducted.
12. If the test result is an alcohol concentration of 0.02 or higher, you will be directed to take a confirmation test following a waiting period of at least 15 minutes.

Additionally:

- a. Concerning the waiting period, you will be told:
 - i. Not to leave the immediate testing area.
 - ii. Not to eat, drink, put anything (e.g. cigarette, chewing gum) into your mouth, or belch.
 - iii. The reason for the waiting period (i.e. to prevent an accumulation of mouth alcohol from leading to an artificially high reading).
 - iv. That following these instructions concerning the waiting period is to your benefit; and
 - v. That the confirmation test will be conducted at the end of the waiting period, even if the waiting period instructions have not been followed.
- b. While in your presence, the BAT will conduct an air blank on the EBT before beginning the confirmation test. You will be shown the reading. The test will proceed following an air blank reading of 0.00.
- c. The BAT will open the individually wrapped or sealed mouthpiece and insert it into the EBT. You will then be instructed to read the sequential test number displayed on the EBT.
- d. You will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained. The BAT will show you the displayed test result as well as the unique test number printed out by the EBT.
- e. If the result of the confirmation test is lower than 0.02, nothing further will be required of you.
- f. If the result of the confirmation test is 0.02 or higher, you will be directed to sign and date Step 4 of the ATF.

ATTACHMENT H

EMPLOYEE ASSISTANCE PROGRAM

A. Services

The services of the Employee Assistance Program (EAP) will be available to full-time permanent employees who have completed one year of continuous service who voluntarily request assistance from the EAP, to first time rule violators under the circumstances described in Section B below, and to their family members or significant others who seek advice or assistance in the areas listed below. In addition, the services of the EAP will be available to individual part-time employees who have completed one year of continuous service and who voluntarily request assistance from the program or who are first-time rule violators under the circumstances described in Section B below. The areas for which advice or assistance may be sought are the following:

1. Substance Abuse
Services for the treatment of substance abuse is available to eligible employees upon formal enrollment into the EAP and subject to the terms and conditions herein and the employee's chosen health care plan.
2. Financial, Legal and Domestic Relations Problems
Services to assist with financial, legal or domestic relations problems are available to eligible employees without formal enrollment into the EAP.
3. Other
Services to assist with emotional problems and other problems which affect the employee's job performance are available to eligible employees without formal enrollment into the EAP subject to the terms and conditions of the employee's chosen health care plan.

Services of the EAP are available to employees designated as Full-Time Permanent (FTP), Full-Time Temporary (FTT), Part-Time and Special Part-Time (SPT).